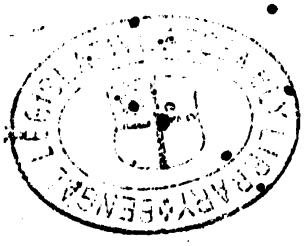
Vol. II—1938.

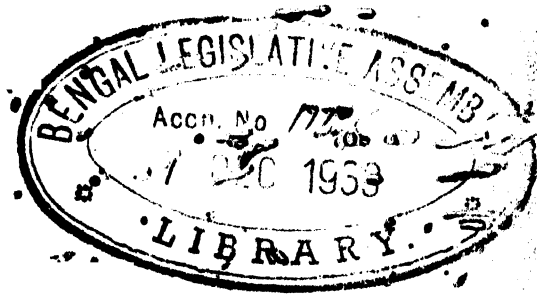
Official Report

Bengal Legislative Council Debates

Second Session, 1938

8th, 10th, 11th, 12th, 15th, 16th, 17th, 19th, 22nd and 23rd August, 1938





Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1939

BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Mr. SATYENDRA CHANDRA MITRA, M.L.C.

DEPUTY PRESIDENT.

Mr. HAMIDUL HUQ CHOWDHURY, M.L.C.

SECRETARY TO THE COUNCIL.

Mr. K. N. MAJUMDAR, M.A. (CANTAB.), BAR.-AT-LAW.

ASSISTANT SECRETARY TO THE COUNCIL.

Mr. S. A. E. HUSSAIN, B.L., Advocate.

REGISTRAR TO THE COUNCIL.

Mr. T. M. PAUL, B.A.

PANEL OF CHAIRMEN.

1. Khan Bahadur M. ABDUL KARIM, M.L.C.
2. Maharaja Sir MANMATHA NATH RAY CHOWDHURY of Santosh.
3. Sir E. C. BENTHALL, M.L.C.
4. Mr. B. C. DATTA, M.L.C.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir Robert Neil Reid, K.C.S.I., K.C.I.E., I.C.S.

MEMBERS OF THE COUNCIL OF MINISTERS.

The Hon'ble Mr. Abul Kasem Fazlul Huq in charge of the Education Department.

The Hon'ble Mr. Nalini Ranjan Sarker in charge of the Finance Department.

The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., in charge of the Home Department.

The Hon'ble Sir Bijoy Prasad Singh Roy, in charge of the Revenue Department.

The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, in charge of the Department of Agriculture and Industries.

The Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar, in charge of the Department of Communications and Works.

The Hon'ble Mr. Huseyn Shaheed Suhrawardy, in charge of the Departments of Commerce and Labour and Public Health and Local Self-Government.

The Hon'ble Nawab Musharruf Hossain, Khan Bahadur, in charge of the Judicial and Legislative Department.

The Hon'ble Mr. Prasanna Deb Raikut, in charge of the Forests and Excise Department.

The Hon'ble Mr. Mukunda Behary Mullick, in charge of the Co-operative Credit and Rural Indebtedness Department.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

1. Ahmed, Mr. Nur. [Chittagong Muhammadan (Rural).]
2. Ahmad, Khan Bahadur Naziruddin: [Burdwan Division Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]

B

4. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
5. Banerjee, Rai Bahadur Keshab Chandra. [Dacca Division North General (Rural).]
6. Barua, Dr. Arabinda. [Chosen by Governor.]
7. Benthall, Sir E. C. [European.]
8. Bose, Rai Bahadur Manmatha Nath. [Burdwan Division South-West General (Rural).]

C

9. Chakraverti, Mr. Shrish Chandra. [Calcutta General (Rural).]
10. Chaudhury, Mr. Moazzemali. [Faridpur Muhammadan (Rural).]
11. Chowdhury, Khan Sahib Abdul Hamid. [Mumensingh West Muhammadan (Rural).]
12. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
13. Chowdhury, Mr. Rezzaqul Haider. [Noakhali Muhammadan (Rural).]
14. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
15. Chowdhury, Mr. Humayun Reza. [Rajshahi *cum* Malda Muhammadan (Rural).]
16. Cohen, Mr. D. J. [Chosen by the Governor.]

D

17. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
18. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
19. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
20. D'Rozario, Mrs. K. [Chosen by the Governor.]
21. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

E

22. Ellahi, Khan Bahadur S. Fazal. [Presidency Division South Muhammadan (Rural).]
23. Esmail, Khwaja Muhammad. [Dacca North-West Muhammadan (Rural).]

F

24. Ferguson, R. W. [European.]

G

25. Goswami, Mr. Kanai Lal. [Calcutta Suburbs General (Urban).]

H

26. Haider, Mr. Ramruddin. [Bengal Legislative Assembly.]
27. Hosain, Khan Bahadur Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
28. Hossain, Mr. Latafat. [Chosen by the Governor.]
29. Hossain, Mr. Mohamed. [Bengal Legislative Assembly.]
30. Huq, Mr. Syed Muhammad Ghaziul. [Tippera Muhammadan (Rural).]

I

31. Ibrahim, Khan Bahadur Maulvi Mohammad. [Dacca North-West Muhammadan (Rural).]

32. Jan, Khan Bahadur Shaikh Muhammad. [Calcutta and Suburbs Muhammadan (Urban).]

K

33. Kabir, Mr. Humayun. [Bengal Legislative Assembly.]
34. Karim, Khan Bahadur M. Abdul. [Mymensingh East Muhammadan (Rural).]
35. Khan, Khan Bahadur Muhammad Asaf. [Rangpur Muhammadan (Rural).]
36. Khan, Maulana Muhammad Akram. [Bengal Legislative Assembly.]

L

37. Lamb, Mr. T. [Bengal Legislative Assembly.]

M

38. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-West General (Rural).]
39. McFarlane, Mr. J. [European.]
40. *Mitra, The Hon'ble Mr. Satyendra Chandra. [Bengal Legislative Assembly.]
41. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
42. Momin, Begum Hamida. [Chosen by the Governor.]
43. Mookerjee, Mr. Naresh Nath. [Bengal Legislative Assembly.]
44. Mookerji, Dr. Radha Kumud. [Bengal Legislative Assembly.]
45. Mukherji, Rai Bahadur Satis Chandra. [Burdwan Division North-East General (Rural).]

O

46. Ormond, Mr. E. C. [Bengal Legislative Assembly.]

47. Pal Choudhury, Mr. Ranajit. [Presidency Division General (Rural).]
48. Poddar, Mr. H. P. [Bengal Legislative Assembly.]

*President, Bengal Legislative Council.

R

49. Rahman, Khan Bahadur Ataur. [Presidency Division North Muhammadan (Rural).]
50. Rahman, Mr. Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
51. Rashid, Kazi Abdul. [Dacca South-East Muhammadan (Rural).]
52. Ray, Mr. Nagendra Narayan. [Bengal Legislative Assembly.]
53. Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh. [Bengal Legislative Assembly.]
54. Roy, Rai Bahadur Radhica Bhusan. [Bengal Legislative Assembly.]
55. Roy Chowdhury, Mr. Krishna Chandra, O.B.E. [Chosen by the Governor.]

S

56. Sanyal, Mr. Sachindra Narayan. [Bengal Legislative Assembly.]
57. Sarkar, Mr. Indu Bhusan. [Dacca Division South General (Rural).]
58. Sen, Rai Sahib Jatindra Mohan. [Rajshahi Division North-West General (Rural).]
59. Shamsuzzoha, Khan Bahadur M. [Bengal Legislative Assembly.]
60. Singh Roy, Mr. Saileswar. [Bengal Legislative Assembly.]
61. Sinha, Rai Bahadur Surendra Narayan. [Bengal Legislative Assembly.]
62. Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. [Bengal Legislative Assembly.]

W

63. Wilmer, Mr. D. H. [Bengal Legislative Assembly.]

THE BENGAL LEGISLATIVE COUNCIL DEBATES

(Official Report of the Second Session, 1938.)

Volume II—No. 1.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 8th August, 1938, at 2-15 p.m., being the first day of the Second Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SARENDRA CHANDRA MITRA) was in the Chair.

Oath of allegiance.

Mr. PRESIDENT: Any member desiring to take his seat will please come to the table and take the oath or affirmation of allegiance in the manner prescribed.

The following member then took the oath of allegiance:—

(1) Sir Edward Charles Benthall.

Mr. LALIT CHANDRA DAS: Before the questions are taken up, may I mention that I have some adjournment motions?

Mr. PRESIDENT: I shall deal with them after questions. I wish to take up the questions left unanswered during the last session.

QUESTIONS AND ANSWERS

Replies to Questions unanswered or not fully answered during the January-April Session, 1938.

Monthly income of extra copyists of the Registration Department.

336. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a copy of Inspector-General of Registration's letter, (D.-O.) No. 638, dated the 17th November, 1937, to the Registrar of Assurances, Calcutta, regarding the average monthly income of the extra copyists in his office?

(*b*) Was it decided by the Government, as communicated therein that in order to increase the earnings of the existing (thirty-four in number) extra copyists to a reasonable amount, the enlistment of new extra copyists should be restricted?

(*c*) Was it also decided that in future no new extra copyists should be enlisted until the men now on the list are fully occupied?

(*d*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the date of appointment of each extra copyist who has been appointed between June, 1937, and January, 1938?

(*e*) Will the Hon'ble Minister be pleased to state whether the said Government orders were ignored in making such appointments?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) A copy of the letter is laid on the table.

(*b*) and (*c*) Yes.

(*d*) A statement is laid on the table.

(*e*) No.

Statements referred to in answer to question No. 336.

OFFICE OF THE INSPECTOR-GENERAL OF REGISTRATION, BENGAL.

D.-O. No. 638.

Dated the 17th November, 1937.

MY DEAR KHAN SAHIB,

Please refer to your draft reply, dated the 2nd August, 1937, to the Council question No. 135 (*i*) (*ii*) regarding the average monthly income of the extra copyists in your office.

It was decided by Government that, in order to increase the earnings of the existing (thirty-four in number) extra copyists to a reasonable amount, the enlistment of new copyists should be restricted. Please furnish this office with the amount of average earning of each extra copyist during the period of twelve months ending October, 1937. In future no new Muharrirs should be enlisted until the men now on the list are fully occupied.

Yours sincerely,

Sd. S. CHATTERJEE.

To Khan Saheb Q. M. Rahman, Registrar of Calcutta.

LIST OF NEW EXTRA COPYISTS ENROLLED IN THE CALCUTTA REGISTRATION OFFICE BETWEEN JUNE, 1937, AND JANUARY, 1938.

	Name.	Date of enrolment.
1.	Jogendra Nath Banerjee	... 1st November, 1937.
2.	Quazi Sultan Ahmed	... 1st November, 1937.
3.	Rajnarain Singh	... 1st November, 1937.
4.	Prafulla K. Barua	... 9th November, 1937.

Stipends and scholarships for Muslim pupils.

337. **Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Nur Ahmed):** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state what is the total number of stipends and scholarships awarded in Bengal annually from the provincial revenues?

(*b*) How many of them are reserved for Moslem pupils?

(*c*) What is the total money value of the stipends and scholarships reserved for Moslem pupils?

(*d*) Out of this money—

(*i*) how much is reserved for Moslem girls; and

(*ii*) how much is reserved for Moslem boys?

(*e*) What was the total number of boys and girls reading in all classes of schools in Bengal in 1935-36?

(*f*) How many of them were Moslems?

(*g*) How many of them were non-Moslems?

(*h*) What was the percentage of scholarships and stipends enjoyed in 1935-36—

(*i*) by Moslem boys and girls; and

(*ii*) by non-Moslem boys and girls?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) 1,462 scholarships and stipends (excluding the scholarships reserved for Europeans and Anglo-Indians) of different values and for different periods of the total value of Rs. 2,75,834 and special scholarships and stipends of the total value of Rs. 42,220 per annum.

(*b*) 340 scholarships and stipends of different values ranging from Rs. 2 to Rs. 25 generally per month of the total value of Rs. 71,652 and stipends of the total value of Rs. 30,620 per annum.

(*c*) Rs. 1,02,272.

(*d*) (*i*) Rs. 13,152.

(*ii*) Rs. 89,120 open to Moslem students (both boys and girls).

		Rs.	
(*e*)	Boys	24,23,719	
	Girls	7,10,652	Excluding Europeans and Anglo-Indians.
	Total	31,34,371	
(*f*)	Boys	12,34,513	
	Girls	1,91,998	
	Total	16,26,511	
(*g*)	Boys	11,89,206	
	Girls	3,18,654	
	Total	15,07,860	

(*h*) The information required cannot be collected in time and supplied in the current session of the Council.

Appointment of Moslems in Educational Services.

338. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Nur Ahmed): Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) how many posts in—

(*i*) Indian Educational Service in Bengal (Men's Branch),

(*ii*) Bengal Senior Educational Service (Men's and Women's Branches),

(*iii*) Bengal Educational Service (Men's and Women's Branches),

(*iv*) Subordinate Educational Service, and

(*v*) services not included in any of the services mentioned above

were filled up during the last five years respectively; and

(*b*) of these how many were filled up by Moslem officers and how many by non-Moslem officers?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) and (*b*) A statement is laid on the table.

Statement referred to in the answer to question No. 338.

	Total number of vacancies.	Filled up by Moslems.	Filled up by non-Moslems.
(*i*)	..	..	..
(*ii*)(*a*)	37	15	22
(*ii*)(*b*)	3	..	3
(*iii*)(*a*)	80	32	48
(*iii*)(*b*)	12	3	9
(*iv*)(*a*) Lecturer Demonstrators	44	25	19
(*b*) Assistant Head Masters	33	13	20
(*c*) Subdivisional Inspectors of Schools	37	17	20
(*d*) Assistant Masters	113	60	53
(*e*) Sub-Inspectors of Schools	66	30	36
(*f*) Senior Classical Teachers	29	12	17
(*g*) Junior Classical Teachers, Drill and Drawing Masters	70	44	26
(*h*) Pandits in Guru Training Schools	54	33	21
(*i*) Clerical posts	48	26	22
(*v*)(*a*) Bengal General Service (includes the posts which were outside the classified lists prior to the creation of the Bengal General Service)	16	..	16
(*b*) Miscellaneous	13	1	12

Necessity of a physical training school in Calcutta.

339. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur (on behalf of Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh): (*a*) Is the Hon'ble Minister in charge of the Education Department prepared to part with a reasonable sum from the amount budgeted for Youth Welfare for the creation of a training school in Calcutta on approved lines with playing grounds of its own with a view

to enabling the youths of the land to achieve physical fitness and master the science and techniques of games, principally football, cricket and lawn tennis?

(*b*) Is he aware that according to expert opinion such a step is imperative and also practicable, inasmuch as such an institution is bound to be self-supporting in the long run and lead to the formation of feeder institutions all over the province through voluntary efforts, augmented by State aids where needed?

(*c*) Does he propose to form a representative committee, consisting of officials and non-officials to evolve a scheme as outlined above?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) Such a training institution has been in existence for the last six years. The question of establishing this institution on a permanent basis with sums from the Youth Welfare Grant is now under discussion. The games—football, cricket and tennis—are taught there, as well as numerous other games and a large variety of forms of physical activity.

This institution has gradually been enlarged in capacity and scope from year to year, as the demand by colleges, schools, local authorities, and sports associations for trained leaders has increased.

The institution is known as the Government Training Centre in Physical Education and is situated in excellent premises with fine grounds and a swimming tank at 30, Kankurgachi Third Lane, Narkeldanga.

(*b*) It should be the aim to make this institution self-supporting in the long run, but Government in the meantime consider it desirable to finance it entirely and provide stipends for the young men who study there. Feeder institutions, in the form of training camps, have been in existence in all parts of Bengal during the last eight years. These are organised by the Physical Director with teachers who have been trained at the Government Training Centre. Approximately 1,300 teachers from high, middle and primary schools have been trained at short courses in these camps up to date.

(*c*) The question does not arise.

Recommendations of the Moslem Education Advisory Committee.

340. **Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Nur Ahmed):** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if the Government have come to a final decision on the various recommendations of the Moslem Education Advisory Committee published in 1934?

(*b*) If not, will the Hon'ble Minister be pleased to state when the decision may be expected and what is the cause of this long delay?

(*c*) Is it a fact that an additional sum of rupees ten lakhs and a half would be necessary to give effect to all the recommendations of the Committee?

(*d*) Does the Hon'ble Minister intend to provide at least half of it by way of supplementary grant in the next financial year of 1938-39?

(*e*) If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) No. Not on all the recommendations contained in the report as a whole, but some of the recommendations have been considered and given effect to.

(*b*) Government propose to issue a comprehensive resolution on the recommendations of the Committee as soon as possible. The condition of the provincial finances in the past was not so satisfactory as to permit of giving full effect to the recommendations of the Committee.

(*c*) Yes, rather more.

(*d*) More than two lakhs, including about a lakh previously provided, have been included under appropriate heads in the budget of 1938-39. More is likely to be provided in 1939-40.

(*e*) The question does not arise.

Appointment of the Government Chief Whip for Council.

341. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) if it is a fact that Mr. Mesbahuddin Ahmed has been appointed Chief Whip of the Government for the Council; and

(*b*) if so, when was the post created, and what are the emoluments, if any, fixed for that post?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) The appointment was made on the 18th March, 1938, on an honorary basis.

Review of recommendations of the Retrenchment Committee of 1932.

342. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Finance Department kindly refer to the White Paper reviewing the recommendations of the Retrenchment Committee, 1932, and the decisions taken thereon and state—

(*a*) whether (*i*) the interest on loans taken to cover deficit and (*ii*) reductions and avoidance of debts which were items of obligatory expenditure in 1936-37 have not ceased to be so after wiping out of all debts;

(*b*) whether there is a further saving of (22 + 12), Rs. 34 lakhs now from those two items;

(*c*) whether the obligatory expenditure on Central Road Development was not compensated by the receipts of the Central Road Development Fund;

(*d*) if the answer to (*c*) be in the affirmative, whether it was correct to show it as an increase at all; and

(*e*) whether the obligatory expenditure on the motor vehicle branch was not compensated by the receipts of motor-tax and, if so, whether it was a real increase in expenditure?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Finance Department): (*a*) and (*b*) Yes.

(*c*) There were equivalent receipts.

(*d*) Yes, it was correct, because the receipts are exhibited separately and not as reduction of expenditure.

(*e*) Same reply as in (*c*) and (*d*).

343. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Finance Department be pleased to state with reference to the White Paper on the recommendations of the Retrenchment Committee—

(*a*) what was the reason of the sudden increase in the superannuation allowances and pension by nearly 50 per cent. (from 1929-30 to 1936-37);

(*b*) why the commutation of pension hitherto financed from ordinary revenue was altogether stopped;

(*c*) whether obligatory expenditure for elections to the Legislature was a quinquennial charge only and not an annual charge;

(*d*) if the answer to (*c*) be in the affirmative, how it was an obligatory increase in the annual expenditure;

(*e*) whether the expenditure to cope with terrorism has not decreased by at least 75 per cent., in view of the cessation of the terrorist crimes;

(*f*) whether with the passing of the Famine Insurance Act the annual expenditure on famine relief from year after next will not decrease to two lakhs only;

(*g*) if so, whether the total obligatory increase shown as Rs. 1,55,50,000 should not dwindle down to only about Rs. 30 lakhs, and, as such, whether we should not expect Rs. 59 lakhs as net savings over the expenditure of 1929-30 from next year; and

(*h*) whether the Hon'ble Minister proposes to form a small committee of members from both the Houses to examine the Special Officer's report, to consider all relevant matters and to report what economies in expenditure can be effected from the next financial year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Finance Department): (*a*) The normal growth in pensionary charges is about Rs. 4 lakhs a year.

(*b*) Owing to financial stringency.

(*c*) The charge for the last general election was incurred in 1936-37. Such general election would be normally quinquennial under the New Constitution.

(*d*) It has not been shown as an increased annual expenditure but only as an increase for 1936-37.

(*e*) No.

(*f*) This will depend on the extent of scarcity in a particular year.

(*g*) The statement in the preface to the White Paper compares the actual expenditure in two particular years. This comparison cannot be affected by future fluctuations in expenditure. Beyond the figures given against the several items in the body of the White Paper, Government have not estimated the future probable net savings.

(*h*) This matter is under my consideration.

Attending of Lucknow Session of Muslim League by certain Ministers.

344. Mr. HUMAYUN KABIR (on behalf of Mr. Moazzemali Chowdhury): Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) whether it is a fact that some of the Ministers attended the Lucknow session of the Muslim League in 1937;

(*b*) whether these Ministers attended the said conference in their private or official capacity;

(*c*) whether all or some of the Ministers only drew travelling and daily allowances for attending the said conference;

(*d*) in what capacity did they draw the allowances, if any;

(*e*) what purposes, if any, of the Bengal Government were served by their participation in the conference; and

(*f*) how were they entitled to draw travelling and daily allowances, if any?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Finance Department): (*a*) Yes, three of the Hon'ble Ministers attended.

(*b*) In their private capacity.

(*c*) Of the three one travelled on a railway requisition: none of them drew travelling allowance or daily allowance.

(*d*) to (*f*) Do not arise.

Mr. HUMAYUN KABIR: Arising out of (*c*), will the Hon'ble Minister be pleased to state what travelling on railway requisition means?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A compartment is reserved for the Hon'ble Ministers.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if any payment was made by the Government, or the compartment was allowed free by the railway authorities?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think the Minister paid the amount, but it was arranged by Government on requisition.

Mr. HUMAYUN KABIR: May I take it that the Hon'ble Minister is not aware of the answer and he thinks that it was so?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. I am quite positive about the reply.

Retirement of Government officers.

345. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Finance Department kindly state how much savings can be effected by compulsory retirement of

officers of average or indifferent merit after twenty-five years' service and taking in substitutes in their places on lower scales of pay?

(*b*) Do the Government propose to retire Government servants after twenty-five years' service or on attaining fifty years of age?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Finance Department): (*a*) I am unable to answer the hon'ble member's question because the information wanted is not readily available and he has not stated what lower scales of pay he has in view. I may say, however, that I have had a number of calculations made in terms of the revised scales of pay which were introduced in 1934, and find that the general result of the course suggested by the hon'ble member would in many cases be an increase, rather than a decrease, in Government's expenditure.

(*b*) No.

Dog racing at Behala

346. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Is the Hon'ble Minister in charge of the Home Department aware that dog racing is going on at Behala in the district of 24-Parganas?

(*b*) Is he also aware that the same is purely a gambling affair?

(*c*) If so, what steps have been taken to put a stop to it?

(*d*) If the answer to (*b*) be in the negative, will the Hon'ble Minister be pleased to state the reasons thereof?

(*e*) Is it a fact that the Hon'ble Chief Minister performed the opening ceremony of the said dog racing?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) No.

(*c*) When it came to the notice of Government that there was betting at the stadium the promoters were given time to wind up the business and they did so with effect from 10th January, 1938.

(*d*) The question is not understood.

(*e*) Yes.

Mr. SHRISH CHANDRA CHAKRAVERTI: Is the Hon'ble Minister aware whether the betting is still going on there?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes; but I would like to draw the attention of the hon'ble member to the fact that Government, by notification, excluded that area from the operation of the Gambling Act.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister be pleased to furnish the reasons thereof? Why that area was excluded and under what circumstances?

The Hon'ble Khwaja Sir NAZIMUDDIN: It has been done because the promoters have agreed to contribute a substantial sum every day towards the anti-Tuberculosis Fund.

Replacing of the word "menials" by the words "inferior servants".

347. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether it is a fact that the Government of India have replaced the word "menials" by the words "inferior servants" in all their papers and documents including salary bills, etc.;

(*b*) whether the Government of India have forwarded any such communication to the Government of Bengal;

(*c*) if so, what action, if any, was taken by the Government of Bengal on that communication; and

(*d*) whether it is a fact that the word "menial" is still used by the Government of Bengal in their official papers and documents?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I have no information.

(*b*) I am informed that they have not.

(*c*) Does not arise.

(*d*) Yes, but not invariably. The words "inferior servants" are sometimes used.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the principle for the distinction in the use of the terms "inferior servants" and "menials"?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Allowance to ex-detenu Babu Debendra Nath Bose.

348. Mr. NARENDRA CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Babu Debendra Nath Bose, who was a detenu for the last seven years, has applied to the Government for the continuance of his family allowance?

(*b*) Is it a fact that during the period of his detention he had to be sent twice to the Indian Mental Hospital at Ranchi by the Government as he was declared insane?

(*c*) Are the Government aware that he lost all his paternal properties including his homestead during his detention? If not, do they propose to enquire and make arrangements to reimburse him for his said loss?

(*d*) Is it a fact that the authorities of the Mental Hospital are of opinion that he must still be kept under special treatment and care?

(*e*) Are the Government aware that Debendra Babu has a sister who is a college student and who has to depend on him for her studies?

(*f*) Do the Government propose to continue his allowances?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) No. On the second occasion he was not under detention.

(*c*) I have seen a statement by the ex-detenu to that effect, but he claimed no reimbursement.

(*d*) No such opinion has been forwarded to Government.

(*e*) I have no such information.

(*f*) No.

Removal of Holwell Monument.

349. Mr. H. P. PODDAR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware that the statue of General Neil has been removed from its site at Mount Road, Madras?

(*b*) Is the Hon'ble Minister also aware that the Hon'ble Dr. Rajan, Minister for Health to the Government of Madras, expressed the opinion that the statue was the "Symbol of national disgrace and disrespect"?

(*c*) Is it a fact that the Holwell Monument in Dalhousie Square, Calcutta, has been erected to commemorate those who were alleged to have been suffocated to death during the "Black Hole" tragedy of Bengal?

(*d*) Is it also a fact that the late Srijut Akshaya Kumar Maitra, the eminent historian, has proved beyond a shade of doubt by documentary evidence that the Black Hole tragedy was no fact at all but a British creation only to bring into hatred the fair name of the then Muslim rulers of Bengal?

(*e*) If so, does the Hon'ble Minister consider the desirability of removing the Holwell Monument from its present site to some museum either in Calcutta or in England?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I have seen newspaper reports to this effect.

(*b*), (*d*) and (*e*) No.

(*c*) The Holwell Monument was erected to commemorate the victims of the Black Hole tragedy.

Mr. H. P. PODDAR: Are the Government convinced of the truth of the incident?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is a dispute between the historians about the matter and it is very difficult to come to a decision on this question.

Proportion of Muslim appointments in Bengal Civil Service.

350. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what proportions of appointments in the Bengal Civil Service (Executive and Judicial) are fixed for the Muhammadans?

(*b*) What is the proportion fixed in respect of the ministerial appointments and when was this proportion fixed?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Not less than 45 per cent. of the appointments made by direct recruitment to the Bengal Civil Service (Executive) are given to Muhammadans. It is proposed shortly to issue orders to provide for 45 per cent. of the vacancies in the Bengal Civil Service (Judicial) to be filled by Muhammadans, if qualified candidates are available.

(*b*) The percentage fixed for Muhammadans in respect of ministerial appointments is as follows:—

	Per cent.
Bankura ...	15
Midnapore ...	15
Hooghly ...	25
Howrah ...	25
Burdwan ...	25
All other districts ...	33⅓

The proportion for Burdwan Division was first fixed in 1926 and for the other Divisions in 1914. These orders were reaffirmed by Government in August, 1934.

Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister kindly state why the percentage of "ministerial posts" is lower than that of executive services and judicial services for which higher qualifications are required?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would refer the hon'ble member to the relevant communique that was published on this subject sometime ago—or rather not sometime ago, but I believe in 1926. Without notice I am not in a position to deal with it properly.

Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Is it contemplated to reconsider this percentage question about ministerial officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Release of detenus.

351. Rai BROJENDRA MOHAN MAITRA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what steps have been taken to implement the statement made by him regarding the release of the detenus and State prisoners in accordance with his programme?

(*b*) How many detenus have, since his statement made in August last, been released—

(*i*) conditionally; and

(*ii*) unconditionally?

(*c*) How many of these released detenus were—

(*i*) in home interfiment;

(*ii*) in village domicile; and

(*iii*) in camp or jail

at the time of their release?

(*d*) What is the total amount of the monthly allowance granted to the released detenus?

(*e*) What is the maximum and minimum amount of allowance granted to individuals per month?

(*f*) What is the maximum and minimum period during which such allowance was received by any detenu?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The detention camps have been closed and the figures given below, which are approximate owing to constant additions, indicate the progress made.

(*b*) (*i*) 1,408 and (*ii*) 947.

(*c*) (*i*) 717, (*ii*) 572 and (*iii*) 165.

(*d*) I regret that the figures are not available.

(*e*) and (*f*) No maxima or minima have been prescribed. Generally speaking, the amounts vary from Rs. 10 to Rs. 15 for six months, but in special cases are increased according to actual necessity and allowances for families may also be consolidated therewith. I would like to add that these numbers were given about two or three months ago and the figures are quite different at the present time.

Appointment of Special Officers.

352. **Rai Sahib INDU BHUSAN SARKER:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many Special Officers have been appointed by the Government of Bengal in various departments since the assumption of office by the present Government;

(*b*) of these officers mentioned in clause (*a*)—

(*i*) how many belong to the Indian Civil Service

(*ii*) how many to the Provincial Services, and

(*iii*) how many to the other services;

(*c*) how many of them have been taken from the retired officers;

(*d*) what is the total extra cost involved in their appointment over and above the salaries they were previously drawing in case of those who were already in service;

(*e*) what is the total extra cost involved in the appointment of those who retired from service over and above their pension; and

(*f*) what are the specific purposes for which they have been appointed and for what period each of them has been appointed?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Fifteen.

(*b*) (*i*) eight, (*ii*) two and (*iii*) four.

(*c*) One.

(*d*) Rs. 6,887-6-6.

(*e*) Rs. 9,841-15.

(*f*) A consolidated statement is laid on the table.

Statement referred to in the answer to question No. 352, regarding special officers appointed by the Government of Bengal in the various departments from the 1st April, 1937, to the 28th February, 1938.

Department.	(A) Number of Special Officers.	(B)(i) Number of Indian Civil Service Officers.	(B)(ii) Number of Provincial Service Officers.	(B)(iii) Number of other officers.	(C) Number of retired officers.	(D) Extra cost for officers in services.	(E) Extra cost for retired officers.	(F) Purpose for which appointed.	Period of employment.	(G) Remarks.
Home (Appointment).	3	3	..	..	..	(1) Nil ..	....	In connection with the revision of Police Regulations in Bengal and in other important special work.	23-10-1937 to 5-3-1938.	
						(2) Nil ..	....	To cope with heavy pressure of work in the Special Branch and Constitution and Elections Branch of the Home Department.	9-8-1937 to 2-1-1938.	
						(3) Rs. 173-1-11	....	For usual Secretariat training before assumption of charge as Under Secretary to Home Department.	11-11-1937 to 2-1-1938.	
Home (Police) ..	1	..				Rs. 3,350 ..	....	For the revision of the Police Regulations, Bengal.	15-12-1936 up to 30-11-1937.	
Home (Constitution and Elections).	1	..				Nil ..	....	For work in connection with the Bills of the Assembly.	From 16-7-1937 to 28-2-1938.	
Legislative Department.	1	1	..	..		....	....	For training in Legislative work.	For a period not exceeding 1 year with effect from 16-4-1937.	

Department.	(A) Number of Special Officers.	(B)(i) Number of Indian Civil Service Officers.	(B)(ii) Number of Provincial Service Officers.	(B)(iii) Number of other officers.	(C) Number of retired officers.	(D) Extra cost for officers in services.	(E) Extra cost for retired officers.	(F) Purpose for which appointed.	Period of employment.	(G) Remarks.
Education ..	2	..	..	2	..	(1) Nil ..	....	(1) In conection with the following:— (a) Secondary Education. (b) Girls' Education. (c) Investigation of the claims to grant-in-aid of— (i) the City College, Calcutta. (ii) the College Department of the Victoria Institution, Calcutta. (iii) Ripon College, Calcutta. (d) Constructive retrenchment in the Education Department. (e) Other urgent enquires in the Education Department.	From 16-12-1937 until further orders.	
						(2) Rs. 1,200 ..	....	(2) Appointment to draft the quinquennial review on the progress of education in Bengal, 1932-37, in addition to his own duties as Principal, David Hare Training College.	For six months.	
Finance ..	2	2	Nil	Nil	Nil	(1) Rs. 1,064-4-7	....	To make proposals regarding establishment requirements in Commissioners, District and Subdivisional Offices and in the Secretariat.	From 16-9-1937 to 23-2-1938.	
						(2) Nil ..	....	To examine means of economising expenditure and of increasing revenue.	From October 1937 likely to continue up to the end of 1938-39.	

..	3	*2	Nil	Nil	†1	Nil	..	(1) Nil	..	To enquire into the grievance of tenants in Government Estates and to suggest methods by which the administration of these estates can be improved.	27-1-1938 to 14-6-1938	*Two up to 14-12-1937 and one from 15-12-1937.
								(2) Rs. 7,741-15 from 15-12-1937 to 28-2-1938.		To collect materials for the proposed commission to enquire into the land revenue system in Bengal.	11-11-1937 to 14-12-1937.	†One up to 14-12-1937 and two from 15-12-1937.
								(3) Rs. 2,100	..	Ditto.		
Local Self-Government.	1	..	1	..	..	....		....		For special legislation work	1 year from 11-11-1937.	
Agriculture and Industries.	1	..	...	1	..	Rs. 1,100	..	....		Propaganda for the voluntary restriction of the cultivation of jute.	First appointment in 1934 and has since been retained on year to year sanction.	
	15	8	2	4	1	Rs. 6,887-6-6		Rs. 9,841-15				

Removal of Holwell Monument.

353. Mr. HUMAYUN KABIR (on behalf of Mr. Moazzem Ali Choudhury): (*a*) Has the attention of the Hon'ble Minister in charge of the Home Department been drawn to the demand of the Muslim and the Hindu public for the removal from the public view of the Holwell Monument in the city of Calcutta, popularly known as the "Black Hole" Monument?

(*b*) Is it a fact that the story of a tragedy like the "Black Hole" saw light for the first time after the Battle of Plassey through the agency of Mr. Holwell?

(*c*) Is it a fact that there was no mention of this "Black Hole" affair in any official document written before the Battle of Plassey, nor was it referred to by any contemporary writers?

(*d*) Is the Hon'ble Minister aware that it has been historically proved by Mr. J. H. Little, an eminent scholar, in an article written in 1915 in "Bengal Past and Present," a journal of the Calcutta Historical Society, that this "Black Hole" story was really a gigantic hoax, manufactured to counteract the agitation of the British public against the reign of terror of the merchants of the East India Company, and that the said article appeared in the said journal, Volume XI, serial No. 21, pages 75—104?

(*e*) Is the Hon'ble Minister aware that a meeting was convened by the Calcutta Historical Society and held at the Hall of Asiatic Society on the 24th March, 1916, under the presidency of the Venerable Archdeacon W. K. Firminger, M.A., B.D., to discuss the "Black Hole" veracity and eminent historians who spoke in that meeting, proved that the story of "Black Hole" was not based on historical facts, and that the proceedings of the said meeting were published in the aforesaid journal of the said Society in Volume XII, serial Nos. 23 and 24, pages 136—171?

(*f*) Is the Hon'ble Minister aware that there is a strong feeling of resentment among the Muslims and Hindus of India, specially of Bengal, that the Holwell Monument which is standing in the heart of the city of Calcutta is an insult to Muslim civilisation as well as to Indian nationalism?

(*g*) Has the attention of the Hon'ble Minister been drawn to the fact that the Madras Government have removed the Neil Statue from the public sight to a museum on the ground of respecting the public feeling of resentment against the said statue?

(*h*) Has the Hon'ble Minister considered the desirability of taking similar steps for the removal of the said monument far away from public view?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Government are not aware of a general demand for removal.

(*b*) and (*c*) No.

(*d*) and (*e*) Government are aware of the article by Mr. J. H. Little and of the debate of the Calcutta Historical Society. They are also aware of the refutation given to Mr. Little in a later volume of the same journal by Lord Curzon. ("Bengal Past and Present," Volume XV, Part I, serial 29, pages 71—84)

(*f*) The records show that such a meeting was held.

(*g*) No. But I have seen newspaper reports to this effect.

(*h*) In view of the answer given to (*a*) this question does not arise.

Mr. HUMAYUN KABIR: With reference to answers (*b*) and (*c*), the answer given previously by the Hon'ble Minister to-day is that the matter is a question for dispute amongst historians. Will he give reasons for the answer he has given?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I stand by the answer I have already given, namely, there are differences of opinion amongst historians on the subject. And this is the answer which Government have given.

Grievances of the khas mahal tenants.

354. **Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Nur Ahmed):** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the *khas mahal* tenants of the Chittagong districts, especially of Cox's Bazar subdivision, have submitted a memorial detailing pressing grievances to Mr. Stuart, Special Officer, recently?

(*b*) If so, will the Hon'ble Minister be pleased to state what are the specific grievances of which the *khas mahal* tenants of Chittagong have complained and asked for remedy?

(*c*) Has the Hon'ble Minister been pleased to take any steps to remedy these grievances?

(*d*) If so, what are the steps taken up to this time to give relief to these tenants?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No.

(*b*) to (*d*) Do not arise.

Reorganisation of zemindary system.

355. Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what was actually meant by the Hon'ble Finance Minister in his reply to the Budget speeches by saying that the *zemindary* system could not be reorganised on a co-operative basis within the scope of the Permanent Settlement, inasmuch as the "Permanent Settlement is in the melting pot" and give facts which justify such a declaration?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: My Hon'ble colleague referred to the well-known fact that there is considerable agitation about the present land revenue system in Bengal and that Government have expressed their willingness to have the system examined by an impartial body.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Minister be pleased to state whether the personnel of the Commission has been appointed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir; not yet.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: When they will be appointed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Either by the end of this month or by the beginning of next month.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: May I know whether the Commission will go into the question of the Permanent Settlement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe so, Sir.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: What will be the writ of the Commission?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It will be published in due course, and I would request the hon'ble member to have patience and to wait for some time.

Exemption of landholders from paying court-fees in certain suits.

358. Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he is considering the desirability of introducing a Bill in the near future with a view to exempting landholders from payng court-fees in respect of suits for realisation of cesses from tenants?

(*b*) If so, when does he intend to do so?

(*c*) Does the Hon'ble Minister realise that such an exemption will also benefit the tenants whose burden the present Government appear to be anxious to reduce?

(*d*) If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) and (*d*) Do not arise.

(*c*) This is a matter of opinion.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: May I know whether the principle of non-payment of court-fees in the Debtors' Act has been accepted by Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I should ask for notice, Sir.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Is it a fact that in the Debtors' Act, no court-fee will be realised for filing applications for arrears of rent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I should ask for notice, Sir.

Remission of unrealised balance of Agricultural Loans.

357. Rai KESHAB CHANDRA BANERJEE Bahadur: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government is aware—

(*i*) that the agricultural loans granted to the poor cultivators of Union Barabainan, thana Raina, and Jotesiram, thana Jamalpur, in the district of Burdwan, during the period of unprecedented drought and economic distress are being forcibly recovered from them with the help of police constables;

(*ii*) that the constables are actually posted now in the Unions mentioned in clause (*a*) above; and

(*iii*) that as a result of the posting of constables the *raiyats* in general have become very much panic-stricken and many of them have, in fear of police oppression deserted the place leaving their hearth, home and family unprotected?

(*b*) If the answers to (*a*) (*i*) and (*ii*) be in the negative, will the Hon'ble Minister be pleased to enquire into the actual state of affairs and to stop such *zulum* on the unfortunate people immediately?

(*c*) Will the Hon'ble Minister be pleased to state whether the Government propose to pass an early order remitting the unrealised balance of the agricultural loans in the district of Burdwan?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii*) No.

(*iii*) and (*b*) Do not arise.

(*c*) No proposal or application for remission of the unrealised balance has yet been received by Government. If received, it will receive due consideration. It should be noted that the Collector can, on his own authority, grant wholesale suspension, and also remissions in particular cases (*vide* rules 15 and 17 of the statutory rules under the Agriculturist Loans Act, 1884).

Protection to infant industries in Bengal.

358. Maharaja Sir MANMATHA NATH RAY CHAUDHURY, of Santosh: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that in his reply to my budget speech the Hon'ble Finance Minister referred to the existence of a Tariff Board?

(*b*) If so, will the Hon'ble Minister be pleased to state what steps have been taken to determine if adequate protection has been extended by that Board to the infant industries in Bengal?

(*c*) Will the Hon'ble Minister please lay on the table a statement showing therein what actions that Board has taken from time to time in respect thereof, and that in relation to what industries?

(*d*) Will he be pleased to state in what cases such protections have led to any growth of industry in this province and what industries in Bengal are now in need of such protection?

MINISTEER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes.

(*b*) The question of tariff protection concerns the Central Government. I have received no complaint that the protection extended by the Tariff Board has been inadequate, and I have made no enquiry.

(*c*) Information is available in the periodical reports of the Tariff Board.

(*d*) I have no information. Industries in need of protection should apply to the Tariff Board.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: With reference to answer (*b*), may I request the Hon'ble Minister to state if he is prepared to make an enquiry?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already said, Sir, that this matter relates to Central Government and if any firms come to me for help, I am quite prepared to take the matter up to the Tariff Board.

Appointment of Bengalees by the Messrs. Cleveland Bridge and Engineering Company, Limited.

359. Mr. NARESH NATH MOOKERJEE: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that Messrs. Cleveland Bridge and Engineering Company, Limited, have got the contract of construction of the New Howrah Bridge?

(*b*) Is it a fact that before the said contract was disposed of, a memorial was submitted by the Secretary to Bengal Unemployed Youths' Union to His Excellency the Governor on the 24th day of July, 1935, suggesting that Government should make it one of the conditions for the acceptance of tenders submitted by different nationalities that the selected tenderers should employ in their staffs as many youths of this province as possible and also offer opportunities to a few thousand more Bengalee youths for training in constructional works as apprentices?

(*c*) If so, is it a fact that in reply to the said memorial on the 24th July, 1935, the Private Secretary to His Excellency wrote to say that the said Union might be assured that the considerations which they advanced would be given full weight?

(*d*) If so, will the Hon'ble Minister be pleased to state whether the said assurance of His Excellency the Governor was acted upon at the time of giving the contract to the said firm of Messrs. Cleveland Bridge and Engineering Company, Limited?

MINISTER in charge of the COMMUNICATIONS AND WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Cossimbabazar): (*a*) and (*c*) Yes.

(*b*) Yes, the memorial is dated the 19th July, 1935.

(*d*) A copy of the memorial and Private Secretary to His Excellency's reply was duly forwarded to the Commissioners for the New Howrah Bridge. The contract was accepted not by Government but by the Commissioners in exercise of their powers under section 5 of the Howrah Bridge Act, 1926.

360. Mr. NARESH NATH MOOKERJEE: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that a very large number of appointments have been made and are going to be made by Messrs. Cleveland Bridge and Engineering Company, Limited, the firm of contractors entrusted with the Howrah Bridge Construction Works, to the posts of engineers, supervisors, overseers, sub-overseers, surveyors, draftsmen, electrical and mechanical operators, mistries, accountants, clerks, etc.?

(*b*) Has the Hon'ble Minister enquired of the said Messrs. Cleveland Bridge and Engineering Company, Limited, as to—

(*i*) whether applications were invited by advertisement;

(*ii*) how many appointments have been made up to date to each kind of the posts referred to in clause (*a*);

(*iii*) how many of the appointments made have gone to the Bengalees and to which posts;

(*iv*) how many candidates for those appointments were Bengalees and

(*v*) how many vacancies still remain to be filled up and how many candidates for the same are Bengalees?

(*c*) If the answer to (*b*) be in the affirmative, will the Hon'ble Minister be pleased to lay a statement of the above on the table?

(*d*) (*i*) Has the Hon'ble Minister considered the desirability of urging upon the said firm of contractors to appoint Bengalees alone to the vacant posts?

(*ii*) If so, what steps has the Hon'ble Minister taken in that direction?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) I have no information.

(*b*) No.

(*c*) Does not arise.

(*d*) Government have no power to interfere in the matter of appointments made by the firm of contractors. I understand, however, that they are willing to give preference to Bengalees, other things being equal.

Opening of Burge Bridge.

361. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) the nature of the preparations for the reception of Sir John Anderson, the ex-Governor, that were organised at the spot on the event of his opening the Burge Bridge on the Cossye just before his retirement;

(*b*) from how many days beforehand these preparations were under taken;

(*c*) how many police officials and constables (excluding C.I.D.'s) were requisitioned for the purpose of watch and ward in and about the place;

(*d*) from what places said guards were brought in; and

(*e*) the amount that was sanctioned and the amount that was actually expended for the purpose and to what head of public expenditure it was debited?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) A Reception Committee organised by the public of Midnapore decorated his route from Kharagpur to Midnapore in honour of His Excellency's arrival to lay the foundation stone of the Burge Bridge.

(*b*) Twenty-one days.

(*c*) and (*d*) Informations cannot be supplied.

(*e*) Rs. 2,581 was spent under sanction under head "50—Civi Works—Provincial Communications—Original Works".

Mr. RANAJIT PAL CHOUDHURY: What was the amount of public subscription raised for this occasion?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I have no information, Sir.

Re-excavation of Ghatina khal.

362. Rai BROJENDRA MOHAN MAITRA Bahadur: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he is aware of the scheme of re-excavation of Ghatina *khal* in the Serajganj subdivision of the Pabna district?

(*b*) Is it a fact that the local people deposited Rs. 750 with the Pabna District Board in 1923-24 on the understanding that the District Board would execute the scheme and that the Public Health and Agriculture Departments of the Government of Bengal strongly recommended the said scheme?

(*c*) Is it a fact that the aggrieved people of the affected area intimated heir willingness to bear the proportionate costs of expenditure if the cheme was executed as a tentative measure?

(*d*) If the answers to (*b*) and (*c*) be in the affirmative, will he be pleased to state if the Government propose to execute the scheme without delay to protect the people from the scourge of diseases, failure of crops, etc.?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) A sum of Rs. 750 was deposited by the local people with the District Board. The Deputy Director of Agriculture and the Director of Public Health approved of the scheme.

(*c*) The local people were unwilling to advance the cost or to pay more than a small portion of the cost of the scheme.

(*d*) Both for financial as well as technical reasons the scheme was dropped but orders have recently been issued to re-examine the condition of the channels which has probably undergone change to see if anything useful can be done.

Removal of Bhairab Bazar station.

363. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Communications and Works Department kindly state—

(*a*) whether he is aware that since the opening of the Meghna bridge the railway station of Bhairab Bazar has been shifted more than a mile away from the river side;

(*b*) whether he is aware that this removal of the station has been causing great inconvenience to the travelling public coming to Bhairab by steamer or boat for travelling by train;

(*c*) whether he proposes to request the Assam-Bengal Railway authorities to locate at least a flag station at or near the *ghat* for the convenience of passengers and to arrange conveyance of passengers to main station by a shuttle train if the express train cannot be detained at the flag station;

(*d*) whether the Hon'ble Minister is aware that there is no upper class waiting room in Bhairab Bazar station, which is an important station on the line; and

(*e*) whether he proposes to request the Assam-Bengal Railway authorities to build an upper class waiting room in Bhairab Bazar railway station?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) and (*c*) It is reported by the Railway authorities that when a station was opened at Bhairab Bazar *ghat*, 95 per cent. of the passengers booked from the junction station and only 5 per cent. from the *ghat*. Opening of a *ghat* station and running of shuttle trains will not therefore, be justified.

(*d*) Yes.

(*e*) The question of providing an upper class waiting room will receive consideration from the Railway authorities when funds are available.

Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that the Ghat Station (Bhairab Bazar Station) is one and a half miles away from the river side and that ladies and children have to go on foot to the Station and that it is a source of great inconvenience to all concerned? Further, from the business point of view it is bad policy to have the Ghat Station such a long way off, and so, will the Hon'ble Minister be prepared to refer the matter to the Railway authorities?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, as a matter of fact, this matter was referred to the Railway authorities and up till now I have not received any reply from them.

Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Am I to understand that the inconveniences and difficulties experienced by the passengers were fully explained to the Railway authorities?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Certainly, Sir.

Silting up of waterways in Faridpur.

364. Mr. HUMAYUN KABIR: (*a*) Has the attention of the Hon'ble Minister in charge of the Communications and Works Department been drawn to the spread of malaria on account of the silting up of waterways in Faridpur district?

(*b*) What steps have the Government taken to restore direct communication between Sadar, Madaripur and Gopalganj? If not, why not?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) Certain areas in the district, viz., Goalundo, Pangsha, Baliakandi, Madhukhali, Bhushana, western portion of Kashiani, etc., have been affected by malaria.

(*b*) The work of improvement of the Faridpur-Bhanga *khal* has been taken up, but the question of maintaining direct communication all the year round by big boats depends on the possibility of improving the Lower Kumar river which is fast deteriorating. This matter is engaging the attention of the department.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if any steps have already been taken to prevent the deterioration of the lower Kumar river?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, I am not quite sure exactly what measures have been undertaken, but certainly the question has been under investigation for some time.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state when we may expect a communication from his department?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: It is difficult to give any idea about time. We are examining several similar cases of deterioration and as the solution of the problem is not an easy one, I again repeat that it is impossible to give any idea of time.

Flood in East Mymensingh.

365. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he is aware that a huge tract of country, about 1,000 square miles of East Mymensingh is annually visited by flood damaging nearly 75 per cent. of the winter crops of the area as stated in paragraph 33, page 51 of the Census of India, 1931, Volume V, Bengal and Sikkim, Part I?

(*b*) Is the Hon'ble Minister also aware of the cause of the flood which was hitherto unknown?

(*c*) Has his department examined whether there is any means of protecting the crops from such floods?

(*d*) Has it been examined whether flood is preventible and whether it is possible to convert the entire area into *boro*-crop area by arranging for proper irrigation?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) I am informed that the extent of damage has been exaggerated by the Census Commissioner. The damage is assessed at about 25 per cent.

(*b*) Yes.

(*c*) Yes. The question of protecting the crops from the rush of the flood is now under consideration of the District Officer.

(*d*) I am advised that it is far better to allow the river to reclaim the land by silt deposit. The *bil* area gets dry in December and the river level falls down to about ten to twelve feet below the general country level. Irrigation by gravity by means of channels does not, therefore, seem to be feasible. I am informed that irrigation by pump is not also feasible due to its heavy initial and running cost.

Khan Bahadur SAIYED MUZZAMUDDIN HOSAIN: With reference to (*a*), will the Hon'ble Minister be pleased to state what is the source of the information that the Census Commissioner's report is wrong?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, it comes from my department.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Census Commissioner's report was written in 1931 and this report comes now. Are we to believe that the conditions in 1931 were the same as now?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: That is more than I can say.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer (*d*), will the Hon'ble Minister be pleased to state if any experiment regarding irrigation *band* through tube-well has been made in this area?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I do not think so.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether the Government is considering the desirability of making some experiment?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: The question of irrigating certain parts by tube-wells is engaging the attention of Government. But there are many difficulties to take it up at once.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state the hitherto unknown cause of floods of which the Government have now become aware?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: The causes of floods are many, and it is not possible to enumerate them all in reply to this question.

The HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state the specific cause which is referred to in question (*b*) and in his answer?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Possibly floods in the bigger rivers.

Mr. HUMAYUN KABIR: Are we to understand that the possibility is a case of knowing something?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: By possibility I mean that there might be other causes which I cannot state without notice.

Government dredgers.

366. Rai Bahadur KESHAB CHANDRA BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state how many dredgers are there at present belonging to the Local Government and what use are they put to by the Irrigation Department?

(*b*) Are these dredgers lying idle or have they been let out on hire on a rental basis?

(*c*) If the dredgers have been let out, will the Hon'ble Minister be pleased to state by whom they have been hired and on what rent?

(*d*) What is the original price of each of the dredgers?

(*e*) When were they purchased?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) There are at present 5 suction dredgers belonging to Government in the Communications and Works Department, Irrigation Branch, named "Foyers", Alexandra", "Ronaldshay", "Cowley" and "Burdwan". The "Foyers" was purchased for the improvement of the Madaripur Bil Route and the "Alexandra" for the maintenance of waterways in Bengal. Both the dredgers are employed on the Madaripur Bil Route in so far as is consistent with the demands for periodical dredging of shoals and obstructions in the steamer and boat routes. The "Ronaldshay" was purchased for work on the Grand Trunk Canal and eventually for the normal upkeep of waterways and of the canal itself but since the Grand Trunk Canal project has been held in abeyance, she could not be employed on the said canal. Her discharge being too powerful for work in the existing steamer and boat routes she is seldom used in the canals of Bengal but is occasionally let out on hire—for instance, she was let out to the Government of India in 1930 for dredging operations in the Andamans, where she worked till December, 1931. At present she has been let out to the Calcutta Corporation for excavation of the Storm Water Channel between Bantola and Kulti. The "Cowley" was purchased for work on the Rupnarain river and the "Burdwan" which is of smaller type for general use in other canals, smaller *khals* and drainage channels. The "Cowley" was used in different rivers and *khals* between 1923 and 1928 but since then she has been lying idle. The "Burdwan" too was employed for the dredging of the Bidyadhari river in 1923 and of the Bhangore canal in 1926 but has since been lying idle.

(*b*) As already stated the dredgers "Cowley" and "Burdwan" are now lying idle, the dredgers "Foyers" and "Alexandra" work on the Madaripur Bil Route and the dredger "Ronaldshay" has been let out on hire on a rental basis.

(*c*) The "Ronaldshay" has been hired by the Corporation of Calcutta on a rent of Rs. 400 per diem.

(*d*) The original price of each of the dredgers including cost of additions and alterations is as shown below:—

	Rs.
"Foyers" ...	9,95,685
"Alexandra" ...	5,66,994
"Ronaldshay" ...	53,20,667
"Cowley" ...	50,75,688
"Burdwan" ...	13,11,824

(*e*) "Foyers" in 1909 and "Alexandra" in 1915, "Ronaldshay", "Cowley" and "Burdwan" during 1923-24.

Communal composition of subordinate and gazetted ranks under the High Court.

367. Mrs. K. D'ROZARIO: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state with reference to the subordinate and gazetted ranks under the Calcutta High Court and the Bengal Judicial Service—

(*a*) their communal composition in the years 1920, 1925, 1930, 1935 and 1937, respectively;

(*b*) the numbers of members of the Anglo-Indian, Indian Christian and other minority communities recruited to each department by grades during the periods 1920-1925, 1925-1930, 1930-1935 and 1935-1937, respectively; and

(*c*) the percentages reserved for each community in the various departments?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) As regards the recent position statements are laid in the Library (*i*) for subordinate ranks in the High Court, and (*ii*) for subordinate ranks in the district courts.

For gazetted ranks the information is available from the Civil List.

Figures showing the position at various dates in the past are either not at all or not readily available.

(*b*) A statement showing recruitment of Scheduled Castes and minor communities in district courts is laid in the Library.

(*c*) The hon'ble member is referred to Appointment Department Circulars No. 1984-87A.—D., dated the 28th October, 1925, No. 1276-A.—D., dated the 11th June, 1926, No. 3540-3554A., dated the 28th April, 1931, and No. 9898A., dated the 21st September, 1936, copies of which are laid in the Library.

Khan Bahadur ATAUR RAHMAN: On a point of information, Sir. As a rule the statements are laid on the table in the Chamber, instead of in the Library. Now we find in answer to question 367 (*b*) and (*c*) that the statements are laid in the Library.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Library means library table.

Survey-knowing pleader-commissioners.

368. **Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Nur Ahmed):** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state the number of survey-knowing pleader-commissioners taken on a permanent basis in the year 1914 and the number of passed pleader-commissioners in the district of Chittagong?

(*b*) Is it a fact that the number of passed commissioners in Chittagong did not exceed two in the years from 1914 to 1925 and the bulk of the work in the district was entrusted to survey-knowing pleaders who were specially trained in relaying the *Maghi* survey peculiar to Chittagong?

(*c*) Is it a fact that at the time of introduction of the New Civil Rules and Orders in 1935 the number of survey-knowing pleaders were more than twenty?

(*d*) Is it a fact that out of those, twenty-five devoted their whole time in commission works and did not attend to practice at the Bar?

(*e*) Is it a fact that majority of the survey-knowing pleaders of Chittagong had worked for more than twenty years to the entire satisfaction of their superiors?

(*f*) Is it a fact that these survey-knowing pleader-commissioners were never asked by the District Judge or by the Hon'ble High Court to pass the Survey Examination?

(*g*) Is it a fact that by the introduction of the New Circular Orders, these experienced and efficient survey-knowing pleaders have been suddenly thrown out of employment?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) The number of survey-knowing pleaders who worked in 1914, as far as can be ascertained now, was nine. These persons were enrolled in the list of commissioners without any specific mention of the permanency or otherwise of such enrolment. The number actually appointed for work in 1914 is not known and cannot be stated. The present number of survey-passed pleader-commissioners in the district is sixteen.

(*b*) There were two passed pleader-commissioners who worked in this district till 1924, when one of them died and a new enrolment was made in 1925. There were at this time nearly fourteen unpassed pleader-commissioners and three Civil Court *amins*. All of these persons were given survey commissions for local investigation including cases in which relaying of *Maghi* survey was required.

(*c*) At the time of revision of the General Rules and Circular Orders and introduction of the New Civil Rules and Orders of the High Court there were twenty survey-knowing pleaders.

(*d*) Nothing definitely can be said. But from office reports it appears that some of the survey-knowing pleaders had no practice in the Bar.

(*e*) The number of survey-knowing pleaders who had worked more than twenty years when the Civil Rules and Orders were introduced was about eight. There is no record to show that they did not work well and the continuance of their names in the list of survey commissioners of the time goes to indicate that their work was not unsatisfactory.

(*f*) They were not asked to pass the Survey Examination but the rules as laying down the qualifications required of persons who desire to be enrolled in the panels of pleader-commissioners, were published.

(*g*) Of the twenty unpassed pleader-commissioners, only the names of four were retained in panel II and the remaining sixteen persons were removed from the list of commissioners when the panels were formed by the Hon'ble High Court.

369. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state the number of experienced and efficient survey-knowing pleaders of Chittagong included in panel No. II in 1935?

(*b*) Is it a fact that the different Bar Associations of the district sent representations to the District Judge and the Hon'ble High Court for the retention of these experienced and efficient survey-knowing pleaders, specially the whole-time workers?

(*c*) Is it a fact that the Bar Associations of the district represented to Mr. R. F. Lodge, the Special Officer, deputed for revision of the New Civil Rules and Orders, the hardship caused to the experienced and efficient survey-knowing pleader-commissioners, specially those who devoted their whole life to survey works and is it also a fact that they represented to that officer that the litigant public were not getting the services of experienced and efficient pleader-commissioners?

(*d*) If so, is it a fact that the Special Officer being satisfied that the litigant public were not getting the services of experienced men and also being convinced that great hardship had fallen on to the survey-knowing pleaders, promised to recommend to the Hon'ble High Court to take survey-knowing pleader-commissioners of ten to fifteen years standing and place them in the same footing with the passed men?

(*e*) Does the Hon'ble Minister propose to recommend to the Hon'ble High Court for the retention of the services of all the survey-knowing pleaders in each district where they have worked efficiently and honestly?

(*f*) Does he propose to recommend to the Hon'ble High Court to issue exclusively the partition commissions to these whole-time workers till the matter is finally decided by the Hon'ble High Court at the time of revision of the New Civil Rules and Orders?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) The number of survey-knowing pleaders who were included in panel II was four.

(*b*) One or two Bar Associations of the district made representations to the District Judge and the High Court received such a representation from the All-Bengal Survey-knowing Pleaders' Association.

(*c*) Yes.

(*d*) and (*e*) No.

(*f*) No. It is a matter for the District Judge. Under the Civil Rules and Orders, the courts have been given discretion in this respect.

370. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state whether it is a fact that panel Nos. I and II were made for the pleaders who would be entrusted with all kinds of local investigations under Order 26, Rule 9 of the Code of Civil Procedure, 1908?

(*b*) Is it a fact that under section 323 of the New Civil Rules and Circular Orders commission for partitions, etc., can also be issued to survey-knowing pleaders?

(*c*) Does the Hon'ble Minister propose to recommend to the High Court to take into consideration the hardship of a large number of survey-knowing pleaders in each district and revise the rules in such a way as to make provisions for the issue of all kinds of survey works to the survey-knowing pleaders of at least ten years standing and to issue all kinds of survey works equally?

(*d*) Will the Hon'ble Minister be pleased to state when the revised Circular Orders will be issued and whether any provision will be made for the inclusion of survey-knowing pleaders of sufficient standing in panel No. I?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Yes.

(*b*) Yes, they may be issued to pleaders who have passed the examination if a thorough knowledge of surveying is essential for the execution of such commissions.

(*c*) No.

(*d*) There is no proposal to amend the Civil Rules and Orders so that pleaders who have not obtained a certificate of proficiency after passing the Pleader Survey Examination, may be enrolled in panel I.

Muslim officers employed in the municipalities of Bengal.

371. Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Mr. Nur Ahmed): Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) what is the total number of officers employed by the 118 municipalities of Bengal;

(*b*) what is the total amount which these officers draw now;

(*c*) out of these officers, how many are Moslems and how many are non-Moslems;

(*d*) what is the total amount which these Moslem officers draw as their salaries out of the total amount of salaries;

(*e*) out of the total number of chairmen of the hundred and eighteen municipalities of Bengal, how many are Moslems and how many are non-Moslems?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) 3,252.

(*b*) Rs. 1,39,720 per mensem.

(*c*) 763 Muslim officers and 2,489 non-Muslim officers.

(*d*) Rs. 20,955 per mensem.

(*e*) 12 Muslim chairmen and 106 non-Muslim chairmen.

Ranchi Indian Mental Hospital.

†372. Mr. H. P. PODDAR: (*d*) Is it a fact that there are no free beds in the higher classes to accommodate *bhadralog* patients of scanty means in the Ranchi Indian Mental Hospital?

(*g*) Is it a fact that treatment in the European Mental Hospital is different from that of the Indian one?

(*h*) Are there any arrangements to invite experts from Europe periodically for examining the patients at Ranchi?

(*i*) Will the Hon'ble Minister be pleased to state why physicians from other parts of India are not mutually transferred to the said hospital?

†Clauses (*a*), (*b*), (*c*), (*e*) and (*f*) were answered by the Hon'ble Minister on the 2nd March, 1938. (*Vide* No. 198 of printed list.)

The Hon'ble Mr. H. S. SUHRAWARDY: (*d*) There are three classes with different sets of charges for paying patients. Those who cannot pay are admitted and treated as non-paying patients according to the orders of the Magistrate.

(*g*) The basis of treatment is the same but cases vary and each case is treated on its merits in both the hospitals.

(*h*) No.

(*i*) The Indian Mental Hospital concerns the provinces of Bengal, Bihar and Orissa, and Medical Officers from Bengal are deputed to this hospital for intensive training and participation in the administration. The European Mental Hospital is a Central subject.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister be pleased to state what part of the expenditure incurred on this mental hospital is contributed by Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: There is a subsequent question which deals with this expenditure. Will the hon'ble member please wait until that question is answered?

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister be pleased to state if it is a fact that on the Managing Committee there are no Bengalis at all and that all the members of the Committee come from other provinces?

The Hon'ble Mr. H. S. SUHRAWARDY: No, that is not a fact.

Road cess.

373. Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to supply, in round figure, the total amount of road cess realised by Government from the time of its inception up to date?

(*b*) Will he be pleased to state since when and to what extent money realised as road cess has been given to the District Board?

(*c*) Will he be pleased to state what amount of road cess has been appropriated by Government for general purposes of administration?

(*d*) Is it a fact that the zemindars agreed to pay road cess because it was contemplated to create with the money thus collected a Permanent Relief Fund for the agriculturists?

(*e*) Does the Hon'ble Minister propose to pay back by regular yearly instalments the amount of road cess so appropriated for the creation of a Rural Uplift Fund, specially for the benefit of *bona fide* cultivators and industrialists on lines as far as possible similar to that of the Famine Insurance Fund?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The information is not readily available nor is it proposed to compile it as the time and labour involved will not be commensurate with the value of the information sought.

(*b*) Since their creation District Boards have been given the whole of the road cess realised after deduction of the collection charges.

(*c*) No part of road cess has ever been appropriated for purposes other than those for which the cess was imposed.

(*d*) No.

(*e*) Does not arise.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Will the Hon'ble Minister be pleased to state the ground on which he has formed the view that the labour involved will not be commensurate with the value of the information sought and is that an answer or criticism?

The Hon'ble Mr. H. S. SUHRAWARDY: I regret I had no other alternative but to give that answer.

374. Mr. NARESH NATH MOOKERJEE: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that the District Board of Nadia at a meeting passed a resolution on the 18th December, 1937, reducing its road cess from six pies to three pies owing to the economic conditions prevailing in the district?

(*b*) Is it a fact that a resolution was discussed on the 22nd January, 1938, for fixing an allowance of Rs. 75 per month for the District Board members in addition to their usual travelling allowance?

(*c*) Is it a fact that on the 22nd January, 1938, the members of the Nadia District Board again resolved that the road cess be levied at six pies to the rupee in supersession of the resolution already passed on this matter on the 18th December, 1937?

(*d*) Is it a fact that the resolution setting aside the reduction of the cess was not unanimous and did not get the support of even two-thirds of the members of the Board?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) A resolution was moved but the Board deferred its decision.

(*c*) and (*d*) Yes.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state if it is a fact that the District Boards adopt some model rules or bye-laws for their own convenience?

The Hon'ble Mr. H. S. SUHRAWARDY: I believe they do.

Mr. RANAJIT PAL CHOUDHURY: With reference to answer (*d*), will the Hon'ble Minister be pleased to state whether in accordance with model rules, the second resolution reversing the first resolution within six months, was in order?

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice, Sir.

Mr. PRESIDENT: It is a matter of opinion.

The Hon'ble Mr. H. S. SUHRAWARDY: It is, Sir.

Demonstrators in the Calcutta Medical College.

375. Mr. NARENDRA CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state how many Demonstrators are at present employed in the Calcutta Medical College?

(*b*) How many of them are in permanent graded service and how many are temporary, outside the grade?

(*c*) What is the grade pay of such permanent Demonstrators and what is the name of their cadre?

(*d*) What salary is being paid to those outside the grade?

(*e*) What is the maximum salary that is at present being drawn by a permanent Demonstrator in the Calcutta Medical College?

(*f*) What is the longest period for which a temporary Demonstrator has been working?

(*g*) Is it a fact that in 1931 a general circular was issued by the Government to the effect that all temporary Government servants appointed prior to 1929 and who have put in five years' service should be made permanent?

(*h*) If so, has the circular been given effect to in all Government departments?

(*i*) Why was not this circular acted upon in the case of these Demonstrators of the Medical College?

(*j*) Are the Government aware of the recommendations of the heads of the departments of the Medical College on this point?

(*k*) Do the Government propose to absorb these temporary men in the permanent cadre and, if so, when?

(*l*) Are the Government prepared to give effect to the recommendations of the Swan Committee in this matter?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) to (*f*) A statement is laid on the table.

(*g*) No. A general circular was issued in 1931 to the effect that all appointments to vacancies occurring in the services and posts after the 21st July, 1931, should be made on a provisional basis. In 1936 and in 1937 circulars were issued that all temporary posts now in existence which are permanently required should be converted into permanent posts. The matter is still under consideration of Government. Each case has to be examined on its merits.

(*h*) and (*i*) Do not arise.

(*j*) Yes. Heads of certain departments recommended that some posts of Demonstrators should be made permanent but this was not supported by the Principal or the Surgeon-General in view of the Medical College Retrenchment Committee.

(*k*) A decision, it is expected, will be reached shortly.

(*l*) No. The suggestion of the Retrenchment Committee of 1932 could not be accepted as it is necessary that the Demonstrators, except in certain purely scientific subjects, should have medical qualifications. In order to effect retrenchment it has been decided to appoint medical men on contract basis on a much lower pay.

Statement referred to in the answer to question No. 375.

(*a*) (*i*) Bengal Medical Service Demonstrators		10
(*ii*) Contract Demonstrators	..	6
(*iii*) Non-medical Demonstrators (permanent)	..	4
Non-medical Demonstrators (temporary)	..	4
		24
(*b*) (1) Permanent graded service—		
(*i*) Bengal Medical Service	..	10
(*ii*) Non-Medical	..	4
		14
(2) Temporary—Outside the grade—		
(*i*) Contract	..	6
(*ii*) Non-Medical	..	4
		10
(*c*) (*i*) Bengal Medical Service on grade pay		Rs. 150—200—25/2—450 and 140—140—20—180—20/2—200—25/2—300—20/2—380.
(*ii*) Non-medical on grade pay	..	Rs. 150—200—25/2—450.

(d) (1) Contract officers—

(i) Anatomy Department	Rs. 50 per mensem.
(ii) Physiology and Biology Department	Rs. 90 per mensem.
(iii) Pathology Department	Rs. 90—100—110.

(2) Non-medical—

(i) Physics Department	Rs. 100.
(ii) Chemistry Department	Rs. 100 and 90.

(f) About eleven years.

Ranchi Mental Hospital.

376. **Mr. HUMAYUN KABIR:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Government of Bengal made any contribution towards the establishment of the Ranchi Mental Hospital? If so, what is the amount?

(b) Do the Government of Bengal make any annual grant towards the upkeep of the said hospital? If so, what is the amount and what proportion it is of the total annual maintenance cost?

(c) What are the conditions governing admission of patients from Bengal to the said hospital?

(d) Are there any differences as regards the conditions of admission in the case of European and Indian patients from Bengal? If so, what are the differences, and what reasons are there for such discriminatory treatment?

(e) Is it a fact that in the case of Indian patients, admission is not available till they are certified after observation to be dangerous lunatics? If so, what is the significance of the epithet "dangerous"? What are the conditions and procedure of such certification?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) The aggregate capital contribution towards the Indian Mental Hospital made by this Government up to 1937-38 (inclusive) is Rs. 24,49,786.

(b) The Government of Bengal bear three-fourths of the total expenditure for the maintenance of the Indian Mental Hospital, as

three-fourths of the total accommodation is reserved for patients from Bengal. The amount spent during the last three years is as follows—

	Rs.
1937-38	... 3,43,684
1936-37	... 3,41,146
1935-36	... 3,29,670

The contribution paid towards the maintenance of the European Mental Hospital varies each year, being calculated on the number of patients from Bengal and the number of days spent by the patients in the hospital. The total amount paid in 1937-38 was Rs. 1,85,511. The total annual cost of maintenance of this institution in 1937-38 was Rs. 3,39,056.

(*c*) As regards the general principle of admission, the hon'ble member's attention is invited to the provisions of Chapter II of the Indian Lunacy Act, 1912.

As already mentioned three-fourths of the total accommodation in the Indian Mental Hospital is reserved for patients from Bengal.

(*d*) No.

(*e*) Owing to the serious congestion in the male section of the Indian Mental Hospital, it has been found necessary to restrict admission for the present to criminal lunatics and such non-criminal lunatics as are dangerous to themselves or to others and unfit to be at large. This does not apply to female lunatics as the accommodation for females is adequate.

Restriction on despatch of Homeopathic medicines from Calcutta to outside Bengal.

377. **Mr. HUMAYUN KABIR:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) whether he is aware of the fact that dealers in Homeopathic medicines in Bengal have catered for the demands in every province for many years;

(*b*) whether he is aware that before the 1st April, 1937, there was no restriction on the despatch of such medicine from Bengal to other provinces;

(*c*) whether his attention has been drawn to the fact that since the 1st April, 1937, several provincial Goverments have introduced restrictions upon the despatch from Calcutta of locally manufactured Homeopathic medicines;

(*d*) whether his attention has been drawn to the imposition of a duty of Rs. 10 per proof gallon of Homeopathic medicine preparations containing Indian-made rectified spirit;

(*e*) whether he is aware of the fact that circulars have been issued directing that permission shall be obtained from the provincial Governments concerned before despatching of such medicines in case of transit by land;

(*f*) whether he is aware of the difficulty, inconvenience and danger to life in case of urgent requirements of medicine involved in such demands for pre-permission for despatch;

(*g*) whether he is aware that these requirements entail a double payment on excise on the rectified spirits used in the preparation of Homeopathic medicines;

(*h*) whether his attention has been drawn to the memorial submitted by a large number of dealers in Homeopathic medicines to the Commissioner of Excise and Salt, Bengal, dated the 8th October, 1937;

(*i*) whether the question was brought up at the Conference of Excise Ministers held on the 10th November, 1937; and

(*j*) what action, if any, the Government propose to take in the matter?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) Yes.

(*b*) and (*c*) There are no restrictions on the despatch of Homeopathic medicines to other provinces except Madras. The restriction as regards Madras dates from 1935-36.

(*d*) Duty at the rate of Rs. 10 per L.P. gallon is imposed in Madras on all Homeopathic medicines containing Indian-made rectified spirit.

(*e*) This applies only to Madras.

(*f*) Difficulties and inconveniences are sometimes felt in meeting urgent demands for medicines as there is some delay in getting import permits. No danger to life is, however, apprehended on this account.

(*g*) Yes. In the case of Madras.

(*h*) A memorial was submitted by some Homeopathic dealers in October last, but as the question was likely to be discussed in the Conference at Delhi, the proceedings of the said conference were awaited.

(*i*) and (*j*) The question was not specifically discussed at the Excise conference but the difficulties experienced by the Homeopathic dealers will be removed to a great extent if the decision of the conference regarding the unrestricted import and export of duty-paid spirituous medicinal preparations in quantities not exceeding sixteen ounces is adopted.

Cases disposed of by the Debt Settlement Boards of Tippera.

†378. **Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) how many applications have been filed and how many of them have been disposed of by the Debt Settlement Boards set up in Tippera for settlement of—

(*i*) debts between the agriculturists, debtors and the creditors, and

(*ii*) rents between the agriculturist tenants and the landlords since the establishment of those Boards in Tippera under the Agricultural Debtors Act;

(*d*) in how many execution cases (money and rent) further proceedings have been stopped in the Civil Courts by order of these Boards; and

(*e*) in how many suits (money and rent) further proceedings have so far been stopped in the Civil Courts by these Boards?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) 27,055 applications were filed for settlement of both rents and other debts, of which 1,168 were settled by Ordinary Boards up to 31st December, 1937. No separate figures are available for (*i*) and (*ii*) as rent comes under the definition of debt under the Act.

(*d*)	Money	264.
	Rent	737.
(*e*)	Money	339.
	Rent	937.

Mr. LALIT CHANDRA DAS: Are Government aware that these applications and the stoppages of so many cases in the Civil Court had effectively killed rural credit in the mofussil?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am not aware of it.

†Clauses (*b*), (*c*), (*f*), (*g*), (*h*) and (*i*) were answered by the Hon'ble Minister on the 27th January, 1938. (*Vide* No. 60 of printed list Questions and Answers.)

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether Government will fix a minimum period of time within which these applications and these cases should be disposed of by the Arbitration Boards in Tippera?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I would refer the hon'ble member to the answer I gave on the 27th of January 1938 wherein it was indicated that the matter was being enquired into and that efforts would be made to fix a minimum period at an early date.

Mr. LALIT CHANDRA DAS: What has been the result of that enquiry?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All the information has not yet been received by Government, and we have got to wait for some time.

Mr. LALIT CHANDRA DAS: When is it likely that the information will be received?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry, I cannot prophesy.

Mr. LALIT CHANDRA DAS: Can you give us any idea?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have nothing further to add to what I have already stated.

Mr. LALIT CHANDRA DAS: Will anything be done during the lifetime of the present Ministry?

(No reply.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state whether the figures are for one year or not?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: They are given since these Boards were established in the district of Tippera.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: For how many years?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not for years. I would refer the hon'ble member to the answer that I gave on the last occasion wherein I indicated the time since when these Boards were established in Tippera. That was from the 30th July 1936. But then the Boards started work much later.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Then practically it is one and a half years now since the Boards were established. Is the Hon'ble Minister aware that if the work goes on at this rate, it will take forty years to dispose of these applications?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is a matter of opinion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, that is a matter of calculation.

QUESTIONS AND ANSWERS FOR THE CURRENT SESSION.

Necessity of the appointment of Leave Reservists in the Registration Department.

1. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the permanent copyists of the Registration Department cannot avail themselves of casual leave as they are to pull up their arrears of work accumulating during their absence on casual leave?

(*b*) Is the Hon'ble Minister aware of the fact that the bench clerks of the District, Civil, Criminal and High Courts are immediately relieved by relieving hands whenever they go on casual leave?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government propose to introduce the system of relief by the supply of relieving hands in the case of the permanent copyists of the Registration Department, when they go on casual leave?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): (*a*) and (*b*) No.

(*c*) Does not arise.

Pay of the permanent copyists and clerks of the Registration Department.

2. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is a difference in pay of the permanent copyists and of the clerks of the Registration Department?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department): The reply is in the affirmative.

Allowance to the released detenus.

3. **Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the names of the released detenus in the districts of Chittagong, Noakhali and Tippera who were granted allowances after their release with the amounts of allowances noted against their names;

(*b*) if it is a fact that when the allowances were granted they were granted after due enquiry, care and forethought;

(*c*) from whom among the detenus referred to above, the allowances thus given have been withdrawn;

(*d*) whether some of the detenus did willingly forgo the allowances; if so, who among them did so;

(*e*) what was the original intention of the Government in granting allowances to the detenus after release;

(*f*) whether Government will restore the grants; if not, whether Government will be pleased to state the grounds of such refusal; and

(*g*) what was the total number of detenus in receipt of such allowances in Bengal and what has been the total number of withdrawals of allowances from them in the province?

The Hon'ble Khwaja Sir NAZIMUDDIN: I regret that information in the general form asked for by the hon'ble member is not available. If information in respect of any specified individual at any specified period is desired, I will endeavour to supply the same.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether there is any record in writing as to any enquiry made with reference to question (*g*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. KAMINI KUMAR DUTTA: Does the Hon'ble Minister mean to say that there is no record kept by Government as to the total number of detenus in receipt of allowance and also as to the number of withdrawals?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I submit that the assumption made by the hon'ble member is not justified by the answer given by me.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to make his answer quite clear? Are we to understand that there is no record in writing?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly, there are records, but looking up these records will take undue time and labour which the Government is not prepared to undertake.

Mr. KAMINI KUMAR DUTTA: Does the Hon'ble Minister still intend to stick to his reply that to have the total number of detenus in receipt of allowance and the total number of withdrawals of the allowance would take an abnormally long time?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly, the detenus have been receiving various kinds of allowances for the last eight years and there are some 3,000 detenus who have been receiving various kinds of allowances.

Accidents in the lake at Dhakuria.

4. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing the number of accidents that occurred in the lake at Dhakuria in 1936, 1937 and 1938 and will he be pleased to state the causes of such accidents?

(*b*) Will the Hon'ble Minister be pleased to state what steps or action he has taken or proposes to take to prevent such accidents?

(*c*) Do the Government consider the desirability of appointing a whole-time rescuer with a boat to ply on at the bathing-pool or at the lake specially set apart for bathing purposes?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) A statement is laid on the table.

(*b*) Necessary precautions have been already taken by the Calcutta Improvement Trust which has fixed the hours for swimming, appointed a trained swimming attendant, provided a safety punt and numerous floating buoys and also issued notices, both in English and in Bengali, warning persons against swimming in deep water unless they are good swimmers and in perfect health.

(*c*) This has been already done by the Trust in respect of the swimming pool. It is not necessary in the main lake where swimming is entirely prohibited.

Statement, referred to in answer to question No. 4, of accidental and suicidal drownings in the Dhakuria Lake.

Date		Accidental drowning.	Suicidal drowning.
1936.			
26th February		..	1
11th March		1	..
22nd March		1	..
3rd July		1	..
30th September		1	..
28th November		1	..
	Total	5	1
1937.			
20th February		..	1
24th March		..	1
19th June		..	1
	Total	..	3
1938.			
15th April		1	..
22nd April		1	..
2nd May		1	..
23rd May		1	..
28th June		1	..
	Total	5	..

N.B.—In accidental drowning the deceased persons either lost their depth while bathing or got exhausted while swimming.

In suicidal cases the deceased left notes that they were committing suicide. These persons fall into two categories—(1) financial difficulties and unemployment and (2) disappointment in love affairs.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: With reference to answer (*c*) of my question, will the Hon'ble Minister be pleased to state whether a whole-time rescuer with a boat to ply has been engaged?

The Hon'ble Mr. H. S. SUHRAWARDY: This has already been done. A whole-time rescuer with a boat to ply has been engaged.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: But my information is that no man has been engaged.

Mr. PRESIDENT: Order, order. The hon'ble member is not in order in disputing the fact.

Khan Bahadur NAZIRUDDIN AHMAD: Have the Government made any arrangement for preventing suicides in those lakes? (Laughter.)

(No reply.)

Ban on Comilla Abhoy Asram.

6. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that on the 10th September, 1937, the Hon'ble Minister was pleased to state in reply to my supplementary question put on question No. 7 that the question of the removal of the ban on the Comilla Abhoy Asram was under consideration?

(*b*) Now that a year is about to expire since that answer, will the Government be pleased to state what has been the result of that consideration?

(*c*) Do Government propose to remove the ban on it? If so, when?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) and (*c*) Government consider that the time is not yet ripe for the removal of the ban on the Comilla Abhoy Asram.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether Government can give us some idea as to when the time is likely to arrive for the removal of the ban on Comilla Abhoy Asram?

The Hon'ble Khwaja Sir NAZIMUDDIN: After all the detenus and the State prisoners are released, Government will observe the situation and then consider the question of removal of the ban.

Mr. LALIT CHANDRA DAS: When is it likely that the detenus and the State prisoners will all be released, so that we can get some idea as to the approximate time within which the ban on Abhoy Asram will be removed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is difficult to give any approximate date and I do not like to do so, but all that I can say is that the Government policy is one of expediting the release of the detenus and State prisoners. (Hear, hear.)

Mr. LALIT CHANDRA DAS: Is there any other institution except Abhoy Asram upon which the ban still continues?

The Hon'ble Khwaja Sir NAZIMUDDIN: There are about thirty-seven institutions which are still under ban out of about 300 to 500.

Mr. LALIT CHANDRA DAS: Is it likely that the ban upon so many institutions will be removed, say, in the course of a month or two?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot give any date; it all depends on the political situation in the province; but as I have already informed the members of this House that out of 300 to 500 institutions—perhaps even more, I do not remember the exact figure, but it is certainly more than 300—bans have been removed from all except only thirty-seven.

Mr. LALIT CHANDRA DAS: Is it not a fact that after the release of so many detenus in the course of the last six months, the situation in the province is absolutely calm and peaceful and that there should now be no hesitation on the part of the Government in removing those bans?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that this is entirely a matter of opinion.

Mr. PRESIDENT: Order, order. Question time is over.

His Excellency the Governor's message relating to the Bengal Tenancy Amendment Bill, 1938, to the Chambers of the Bengal Legislature under section 75, Government of India Act, 1935.

Mr. PRESIDENT: I will read His Excellency the Governor's message now relating to the Bengal Tenancy (Amendment) Bill, 1938.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of order, Sir, but on a different issue altogether. Before we proceed, I ask for your ruling as to whether this meeting, which has been summoned, is not irregular or invalid. I submit that according to the usual practice, this Council has to be summoned at one month's notice. I find that on this occasion only fourteen days' notice has been given. Under section 89 of the Rules and Standing Orders twenty-one days' notice is necessary for moving a resolution and fifteen days' notice is necessary for a motion for leave to introduce a Bill, and as less than fifteen days' notice has been given in summoning the Council, I ask for your ruling as to whether the procedure followed has been strictly legal and Rai Bahadur Brojendra Mohan Maitra and myself sent in a letter more than a fortnight ago requesting you to postpone the meeting, having regard to the fact that it has not been summoned strictly according to the Rules of Business. I now ask for your ruling on this point.

Mr. PRESIDENT: I would like to point out that the hon'ble member should have raised the point at the very beginning when we began our proceedings to-day. However, apart from that, His Excellency the Governor, under section 62 of the Government of India Act, 1935, has every right to summon the Chamber in his discretion at any time. Of course it is true that there is a convention which is being established, namely, that due notice, if possible a month's notice, should be given; and the Chair has been anxious to see that this convention is observed and has represented the matter to His Excellency and I know that an hon'ble member has already given notice of a motion under section 198 to discuss this matter. It is a matter for convention which is to grow up and to be observed, but there is nothing under the Government of India Act, to make the summoning of the Council without a month's notice illegal, because His Excellency the Governor acting in his discretion has the right to call a meeting at any time he likes.

Rai KESHAB CHANDRA BANERJEE Bahadur: May I make another submission? In this particular case the members of this Council have been deprived of the privilege of sending in notice of resolutions and Bills. What about that?

Mr. PRESIDENT: I fully appreciate the difficulties of the members and I have already represented the matter to His Excellency the Governor and to the Government that there should be some additional days for resolutions, which require twenty-one days' notice, to be taken up, and I hope His Excellency and the Government will consider that aspect, under the special circumstances of this session. I will now read the message of His Excellency the Governor:—

"The Bengal Tenancy Amendment Bill, 1938, has been passed by both Chambers of the Bengal Legislature and has been presented to the Governor in accordance with section 75 of the Government of India Act, 1935. Having given my most careful attention to the Bill, I am of opinion that it is my duty to return it to the Legislature in accordance with the proviso to the said section and to request the Chambers to consider it in regard to the following points.

2. Sub-clause (2) of clause 1 of the Bill is to the effect that "it shall come into force on such date, not later than the 31st May 1938, as the Provincial Government may, by notification in the Official Gazette appoint". Apart from the fact that the latest date thus provided for in the Bill has already passed, I am advised that a Notification bringing the Bill into force with retrospective effect from the 31st May 1938 or any other date would give rise to complicated problems of law, invite unnecessary litigation and result in much avoidable confusion, for example, as to the respective rights of transferor and transferee under the revised section 26C. The difficulty will be met by omitting the existing commencement clause and allowing section 6 of the Bengal General Clauses Act, 1899, to operate, under which the Act will come into force on the date on which the assent thereto is first published in the Official Gazette. The Bengal Tenancy Ordinance ensures meanwhile that the registration of transfers, with consequent payment of landlords' transfer fees, is held in abeyance so that the persons concerned shall obtain the benefit of the new law if and when it is passed..

3. Secondly, the new section 75A, which is inserted in the Bengal Tenancy Act, 1885, by clause 21 of the Bill, purports to be concerned with the "Suspension of provisions relating to enhancement of rent" and provides for the suspension, for a period stated, of "all the provisions of this Act (including section 52) relating to enhancement of rent". The inclusion of a reference to section 52 would imply that that section relates to enhancement of rent. This however is not the case, since section 52 relates, not to enhancement in the rate of rent, but to alteration of rent in respect of alteration of area, and provides for the liability of a tenant in certain conditions to pay additional rent for all land proved by measurement to be in excess of the area for which rent has been previously paid by him, as well as for reduction of rent on proof of reduction of area. The principle embodied in

section 52 of the Bengal Tenancy Act, 1885, is also the underlying principle of section IV of Regulation XI of 1825, whereby Government are entitled to receive additional revenue, and landlords to realise additional rent, in cases of accretions to estates and tenures. This is a fundamental and accepted principle of land revenue assessment and has no relation to enhancement of the rate of rent. Reference therefore to section 52 in a section such as the proposed section 75A, which is concerned with the enhancement of the rate of rent, is inappropriate and illogical, and just as the inclusion of such reference could add nothing to the effect of the Bill, so its omission can detract in no way from it. Be that as it may, my Government are aware that section 52 is liable to abuse and they intend to take the necessary steps to amend its provisions at an early date by separate legislation.

4. After due consideration, therefore, I have decided to recommend to the Bengal Legislative Chambers that the Bill be amended by the omission of sub-clause (2) of clause 1 and by the omission of all references to section 52 of the Bengal Tenancy Act, 1885, in clause 21 of the Bengal Tenancy Amendment Bill, 1938, and I appoint the Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of Revenue Department, to be the Member in charge of the Bill.

Recommendation.

In pursuance of the provisions of the proviso to section 75 of the Government of India Act, 1935, I, Robert Neil Reid, Governor of Bengal, do recommend to the Bengal Legislative Chambers that they do amend the Bengal Tenancy Amendment Bill, 1938, by the adoption, without further amendments, of the two following amendments, that is to say,—

(*i*) That sub-clause (2) of clause 1 of the Bill be omitted.

(*ii*) That in clause 21 of the Bill the words, figure and brackets "(including section 52)", wherever they occur, be omitted.

R. N. REID,

Governor of Bengal.

GOVERNMENT HOUSE,

CALCUTTA:

The 29th July, 1938."

That in pursuance of the message, dated the 29th July, 1938, from His Excellency the Governor under the proviso to section 75 of the Government of India Act, 1935, the Assembly at its meeting held on the 3rd August, 1938, has, on a reconsideration of the Bengal Tenancy (Amendment) Bill, 1938, as presented to His Excellency for his assent, amended the same, by the adoption, of the following amendments without any further amendments, as recommended in the message, namely:—

"(*i*) that sub-clause (*2*) of clause 1 of the Bill be omitted,

(*ii*) that in clause 21 of the Bill the words, figure and brackets "(including section 52)" wherever they occur, be omitted."

His Excellency the Governor's assent to Bills passed by the Bengal Legislature during September, 1937, and January-April, 1938, sessions.

Mr. PRESIDENT: I have now to inform hon'ble members that the following Bills which were passed by both Chambers of the Bengal Legislature during the September, 1937, and January-April, 1938, Sessions have been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935, namely:—

(1) The Bengal Cruelty to Animals (Amendment) Bill, 1938.

(2) The Bengal Rhinoceros Preservation (Amendment) Bill, 1937.

(3) The Bengal Famine Insurance Fund Bill, 1937.

(4) The Bengal Expiring Laws Bill, 1938.

(5) The Bengal Public Demands Recovery (Amendment) Bill, 1938.

Panel of Chairmen.

Mr. PRESIDENT: Under rule 3 of the Bengal Legislative Council Rules, I nominate—

(1) Khan Bahadur M. Abdul Karim,

(2) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh,

(3) Sir Edward C. Benthall, and

(4) Mr. B. C. Datta

on the panel of Chairmen for the current session.

Adjournment Motions.

Mr. KAMINI KUMAR DUTTA: May I move my adjournment motion, Sir?

Mr. PRESIDENT: I have received notices of five motions for adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance. I shall place them one after another and put them before the House for its leave.

1. From Mr. Lalit Chandra Das. The notice was received on the 24th June, 1938. It runs thus—

"This Council do adjourn its business for the purpose of discussing a definite matter of urgent public importance, namely, the assault on Rashtrapati Sj. Subhash Chandra Bose by the adherents of the Moslem League while he with his party was proceeding in a procession to Brahmanbaria town after alighting from the train at Brahmanbaria Station in the district of Tippera on the 15th June last, to hold a public meeting there in connection with the Congress work."

2. Also from Mr. Lalit Chandra Das. This notice was received on the 4th July, 1938. It runs thus—

"This Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the *lathi* charge by the police on the pilgrims at Mahes near Serampore in the district of Hooghly, on the 29th June last during the Car Festival there, when the Car was between Bosepara and Napitpara, at about 6 o'clock in the evening, resulting in injury to about thirty persons including two women and two Congress volunteers."

3. Also from Mr. Lalit Chandra Das—

"That this Council do adjourn its business for the purpose of discussing a definite matter of urgent public importance, namely, the assault on Mr. Humayun Kabir, M.L.C., and Maulvi Abdul Mansur Ahmed of Mymensingh, Secretary of Krishak Proja Samity, by a Muslim mob as they were coming yesterday morning (7th August) to the house of Chowdhury Moazzamali (*alias* Lal Mia), M.L.C., at P. 137/A, Park Circus, Calcutta, for attending a party conference."

4. From Mr. Naresh Nath Mookerjee: The motion runs thus—

"That the business of this House do now stand adjourned to discuss a matter of urgent and definite public importance, viz., the assault on members of the House in an attempt to influence their freedom of action and opinion in the discharge of their duties as members by threat of physical violence."

5. From Mr. Kamini Kumar Dutta—

Mr. KAMINI KUMAR DUTTA: I gave notice of moving the accompanying motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance and asked for the consent of the President for the purpose.

Mr. PRESIDENT: The consent has been given. I now read the notice of the motion of Mr. Kamini Kumar Dutta: "I move that this Council do adjourn its business for the purpose of discussing a definite matter of urgent public importance, namely:—

(*a*) The appointment of undermentioned several committees by the Government of Bengal and the policy and procedure adopted in connection therewith:—

Committees.

(*i*) Committee appointed to investigate the problem of improving price of paddy and rice as affecting the Province and to make recommendations in the matter (*vide* Resolution No. 5012Agri., dated 27th July, 1938).

(*ii*) Committee appointed to investigate the jute problem as affecting this Province (*vide* Resolution No. 5013Agri., dated 27th July, 1938).

(*iii*) Committee appointed to investigate the problem of improving Madrassa education in the Province and to make recommendations in the matter in due course (Resolution No. 4269Edn., dated 27th July, 1938).

(*iv*) Committee appointed to investigate the problem of improving primary and adult education in the Province and to make recommendations in the matter in due course (*vide* Resolution No. 4767Edn., dated 27th July, 1938).

(*v*) Committee appointed for enquiry into the working of the chaukidari system throughout the Province of Bengal (*vide* Resolution No. 2950P.L., dated 28th July, 1938).

(*vi*) Committee appointed to investigate the rights of the tenants of non-agricultural lands in the Province and to make recommendations as to what can be done to protect the tenants from eviction at the will of the landlords (*vide* Resolution No. 1517L.R., dated 1st August, 1938).

(*vii*) Committee appointed to inquire into the incidence of rent in the Province and also into the existing law regarding reduction of rent and to make recommendations in the matter in due course (*vide* Resolution No. 14972L.R., dated 29th July, 1938)."

Under our rules the House can take up only one motion for discussion, if it is found in order, at the same sitting. As a matter of fact, as we have no separate house of our own, it will be practically impossible for us to take into consideration any motion of adjournment to-day, because the other House will be sitting from 4-45 to 8 p.m. but if the hon'ble members desire to sit from 9 to 11 p.m., the Chair will have no objection. We shall then take up these motion—motions for adjournment (cries of "no, no")—on the 10th, as there will be no sitting of this House on the 9th. So, they can be taken up day after to-morrow. I have read out the notices of motions, and I propose to take them up on the 10th, unless the House desires otherwise.

Khan Bahadur NAZIRUDDIN AHMAD: May I rise, Sir, on a point of order with regard to one or two points——

Mr. RANAJIT PAL CHOUDHURY: Not when the President speaks.

Mr. PRESIDENT: I think it will be advantageous if we consider the motion of Mr. Naresh Nath Mookerjee to-day only to find out whether it is in order, and if leave of the House is granted. Moreover, this motion is more or less on the same lines with the motion of Mr. Lalit Chandra Das dealing with the assault on an hon'ble member of this House and interfering in the discharge of his duties as a member.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I suggest, Sir, that on the 10th the question of admissibility of these motions may be considered?

Mr. PRESIDENT: Of all of them?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, of all of them, as long as you do not insist on the question of urgency; otherwise, we may spend fifteen minutes, or twenty minutes, or even half an hour to discuss the question of admissibility to-day.

Mr. PRESIDENT: You propose that we may take up all these motions one after another on the 10th?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. NARESH NATH MOOKERJEE: Sir, the matter is extremely urgent, and I think the force of the adjournment motions will be lost and the utility also will be lost if we do not discuss the matters to-day, and if the Hon'ble Minister has no objection to giving us an hour and a half in the evening after, say, 8 o'clock——

Mr. PRESIDENT: Order, order. According to the rules, we must provide for full two hours for discussion of a motion for adjournment.

Mr. BANKIM CHANDRA DATTA: I submit, Sir, that we can meet again at 8-30 or 9 p.m.

Mr. PRESIDENT: Yes, if the House is agreeable. (Cries of "No, no".)

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: So far as I understand the rules, Sir, I think the question of admissibility depends entirely on you and the House need not be consulted on that point, and if you have made up your mind to admit a particular motion, then it should be brought up before the House and the only opportunity to be given to a member of the House is to object or consent to its being discussed by this House.

Mr. PRESIDENT: The hon'ble member is perfectly right. I shall have to decide ultimately whether the motion is in order, but the leave of the House must be obtained even if the motion is in order in case the Government object to the motion.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: That is, after you have admitted it, it is brought forward and the member is asked to read his motion out.

Mr. PRESIDENT: No, at present the suggestion of Government is not to take up the adjournment motions to-day.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: It is entirely for you, Sir, to decide; it is your prerogative.

Mr. PRESIDENT: That is so; ultimately it rests with me. But I always endeavour to take the House with me so far as these matters are concerned.

Mr. NARESH NATH MOOKERJEE: Sir, there are two motions of a similar nature of which notice has been given—one tabled by me and the other by Mr. Lalit Chandra Das. As he is keen on speaking on his motion, I am prepared to give way to him if it suits you.

Mr. LALIT CHANDRA DAS: My motion precedes Mr. Mookerjee's and I would like to move mine.

Mr. PRESIDENT: There is no difficulty about that, but I am finding difficulty about the time.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I just point out one thing to the hon'ble members, it is that the question which has got to be decided is whether the adjournment motions will be discussed today or on the 10th, and the Hon'ble President has pointed out that it is not possible to discuss them today unless the House sits after 8-30 or 9 p.m. The question of admission, Sir, is a question that will be discussed afterwards. First of all, the point is: can we discuss the adjournment motions today?

Mr. NARESH NATH MOOKERJEE: On a point of order, Sir. Before an adjournment motion is actually admitted, can we discuss the question whether it should be discussed today or tomorrow?

Mr. PRESIDENT: That was only a suggestion from the Government that these adjournment motions might not be taken to-day but on a later date. As a matter of parliamentary practice, in the British House of Commons or in some of the Houses even here in India, an adjournment motion is discussed only on the day on which notice is given. Strictly construing a motion for adjournment it will be seen that it is meant to interrupt the regular business of the day to consider a matter of special urgency and it should be considered on that very day or in any case on the next available day. We are in a new House and we are building up our own conventions and we wish that those conventions should be built up on the right lines. The first motion of which notice has been given is the one of Mr. Lalit Chandra Das. It reads as follows:—

"This Council do adjourn its business for the purpose of discussing a definite matter of urgent public importance, namely, the assault on Rashtrapati Sj. Subhash Chandra Bose by the adherents of the Moslem League, while, he with his party, was proceeding in a procession to Brahmanbaria town after alighting from the train at Brahmanbaria Station in the district of Tippera on the 15th June last, to hold a public meeting there in connection with the Congress work."

I realise that it is a matter of great public importance but will Mr. Das, please explain how it comes under our rules? Adjournment motions are in the nature of censure motions on the Government for the failure in the discharge of their administrative duties. In your motion your contention is that the adherents of the Muslim League did something. How do you hold Government administratively responsible for the assault?

Mr. LALIT CHANDRA DAS: Sir, I have put a large number of questions with regard to this matter and the Hon'ble Home Minister will reply to those questions, although the answers are not now before the House. Under the circumstances, I do not wish to proceed with the adjournment motion to-day.

Mr. PRESIDENT: Your next motion is in regard to *lathi* charge on pilgrims at Mahesh. Do you want to move it?

Mr. LALIT CHANDRA DAS: Sir, that too I would like to withdraw.

Mr. PRESIDENT: Your third motion relates to the "assault" on Mr. Humayun Kabir, M.L.C., and Maulvi Abdul Mansur Ahmed, which reads as follows:—

"This Council do adjourn its business for the purpose of discussing a definite matter of urgent public importance, namely, the assault on Mr. Humayun Kabir, M.L.C., and Maulvi Abdul Mansur Ahmed of Mymensingh, Secretary of Krishak Proja Samity, by a Muslim mob as they were coming yesterday morning (7th August) to the House of Choudhury Moazzamali (*alias* Lal Mia), M.L.C., at P. 137/A, Park Circus, Calcutta, for attending a party conference."

Your allegations are that Mr. Kabir and Maulvi Mansur Ahmed were assaulted by a Muslim mob. Will you please explain how the Government are responsible for the action of this mob.

Mr. LALIT CHANDRA DAS: Sir, as a matter of fact, if leave is granted, I can make a speech and in the course of that I would be able to give in detail, in what way the Ministry is involved in this matter, but I can state briefly——

Mr. PRESIDENT: But in what way is the Ministry administratively responsible?

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: On a point of order, Sir. As I have already submitted, I think we are not strictly following the procedure or practice of this House. I think the first question is for the President to decide whether a particular motion is in order or not. Then he would give his consent, and after his consent has been obtained the member can read out his motion and then any member of the House can object to it if he so desires. But that practice is not being followed. I can realise, Sir, your difficulty because you know more about the Central Legislature than I do. There, of course, it is done in the way that the President takes the opinion of the House with regard to the admissibility of a motion, but here, Sir, a different procedure is always followed.

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to submit that you, Sir, have followed, during the last fifteen months, this procedure, and I do not know when the other procedure was followed. It may have been under the old Government, but not under the present Government.

Mr. PRESIDENT: I would like to reply to the points raised. This is a new House and it is true that we ought to observe certain conventions, and it is also correct that I always try, as far as circumstances permit, to follow the conventions and procedure of the Central Legislature. When first notice of a motion for adjournment is received, I give my consent to the moving of that motion in the House. That consent merely means that the motion is not a frivolous one, nor an abuse of the rules and procedure of the House. Here, in the House, I first ascertain whether the adjournment motion complies with the rules and regulations of the House, and whether it is in order. It must be a definite matter of urgent public importance and of recent occurrence. I am satisfied, after questioning the member it is sometimes necessary to consult other members as well as to whether the motion is in order, I enquire of the Government if they have any objection to the motion. If they object, the leave of the House as required by our rules and is to be obtained before the motion is permitted to be moved. Now I am examining if the motion is in proper order, *i.e.*, if it satisfies the Rules and Standing Orders of this House.

Mr. LALIT CHANDRA DAS: I was under the impression that you, Sir, had given your permission in writing to move it.

Mr. PRESIDENT: No, no, that is not correct. That the subject matter of the motion is of recent occurrence, there is no doubt; that it is a matter of great public importance is also not doubted. But how do you make Government responsible for it? Adjournment motions are really motions of censure on Government for having done a certain act or for having failed to perform a certain duty. I should like to be assured by you as to how you connect the Government with the commission or omission of certain of these acts. That is the only point.

Mr. LALIT CHANDRA DAS: Yes, Sir. A party conference was going to be held at the house of Lal Mea, who is a member of this House, and at that time a great mob assembled near the house. The mob then stoned the house and telephone messages were sent to the Commissioner of Police; and then the Home Minister also was informed and the information was sent to the nearest *thana*——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of Order, Sir. Who informed the Home Minister?

Mr. LALIT CHANDRA DAS: Mr. J. C. Gupta.

The Hon'ble Khwaja Sir NAZIMUDDIN: That was after the incident.

Mr. LALIT CHANDRA DAS: The Commissioner of Police was informed and he replied that he would send information to the nearest *thana*. That was also done. Information was also sent to the Chief Secretary, as also to the Secretary to the Governor. If timely aids had come from them, the mob could have been dispersed in no time. As a matter of fact, the mob assembled near the house of Lal Mea between 7 and 8 p.m. whereas the car of Mr. Humayun Kabir turned up at about 10 p.m. So there was a length of time between 7 p.m., and 10 p.m., i.e., three hours, during which period the Government could have sent a police force to disperse the mob and on that ground, Sir, I submit that there is a great responsibility on the part of Government and that it is not only an act of omission, but I should say that it is also an act of commission on their part. I should say that there was some sort of encouragement from the Commissioner of Police. It was no business of his to ask the member to rush to the nearest *thana* but as the head of the Police in Calcutta, he ought to have phoned to the police-station in the jurisdiction of which the house is situated. As a matter of fact, the Commissioner of Police did nothing of the sort. If action were taken in due time, this incident could have been prevented. When Mr. Humayun Kabir turned up with a member of the Assembly, he was assaulted, although information of apprehended trouble was given long before. This shows that the Government failed in their duty. They did not do what they should have done.

The Hon'ble Khwaja Sir NAZIMUDDIN: The motion, as it is worded, does not in any way make the Government responsible for what has been done. If the hon'ble member had moved an adjournment motion on the neglect of the Police in not coming in time to the rescue of the hon'ble members, when they were assaulted by the Muslim mob, the motion would have been perfectly in order. But as the motion stands, Government are not anywhere mentioned, and this is something extraneous which has been brought in as an after-thought.

Mr. PRESIDENT: I am thinking of the technical point and not at all about the merits of the motion. The wording of the motion is this: namely, "the assault on Mr. Humayun Kabir, M.L.C., and Maulvi Abdul Mansur Ahmed of Mymensingh, Secretary of Krishak Proja Samity by a Muslim mob." I would have no hesitation in accepting it if it had been moved as a motion for the breach of privilege of a

member of this House if he was prevented from discharging his duties as a member of this House. But I find it very difficult to accept it as an adjournment motion, because it merely mentions of an assault by a Muslim mob.

Mr. HAMIDUL HUQ CHOWDHURY: This is not an isolated incident. We are going to attack the policy underlying the action of the Government. Therefore it is a question of greatest importance, because we shall be able to show that the mob were incited by certain members of the Cabinet. This assault was committed only to prevent some members from discharging their duties as members of this House. Though really it comes as a part of privilege motion, it cannot be said that it is not a matter of great public importance and immediate urgency.

Mr. PRESIDENT: I find that the Deputy President forgets that the President will have to construe the wordings of the motion very strictly. Certainly if a particular method or policy of Government was attacked, there would have been no difficulty in accepting the motion, but the hon'ble mover, who gave notice of this motion, has put it in such a way that I am constrained to say that the motion is not in order; merely to state that the assault was committed on Mr. Humayun Kabir, M.L.C., and Maulvi Abdul Mansur Ahmed of Mymensingh by a Muslim mob, is not sufficient. The reason must be stated why the Government is to be censured. Unfortunately the language of the motion is such—I am not going into the merit at all—that I cannot but hold this motion to be out of order.

The next motion is that of Mr. Naresh Nath Mookerjee:

> "That the business of this House do now stand adjourned to discuss a matter of urgent and definite public importance, viz., the assault on members of the House is an attempt to influence their freedom of action and opinion in the discharge of their duties as members by threat of physical violence."

It is not mentioned by whom. Will the hon'ble member please explain?

Mr. NARESH NATH MOOKERJEE: By hooligans who assembled there. There can be no doubt that for the past three months this matter has been brewing——

Mr. PRESIDENT: The language of your motion is not in accordance with rules. If you can make Government responsible for this assault or for their failure of duty in this connection, then it will be in order.

Mr. NARESH NATH MOOKERJEE: The assault was committed by persons interested in preventing hon'ble members from going to the meeting of the Assembly where the no-confidence motions had been tabled against the Ministers.

The Hon'ble Khwaja Sir NAZIMUDDIN: What has it got to do with the business of this House?

Mr. PRESIDENT: As a matter of fact, I would have no hesitation in accepting the motion if it is moved as a breach of privilege of the members of the House, because a member is alleged to have been prevented from discharging his duties. It is the parliamentary practice that a motion for breach of privilege cannot come as a motion for adjournment. It has a wider scope. The House will be required to adjudicate on the point and the House has larger powers to pass any resolution condemning the action of the Government but it is a definite parliamentary convention that motions for breach of privilege are not matters for adjournment of the House.

Mr. KAMINI KUMAR DUTTA: May this adjournment motion of Mr. Mookerjee be amended?

Mr. PRESIDENT: You may. I shall allow verbal amendments only to make the meaning of the motion clear. You must keep the substance of the motion intact. The motion involved is of great public importance and if you can bring the motion within the Rules and Standing Orders of the House, the Chair will be glad to accept it.

Mr. NARESH NATH MOOKERJEE: The fact is that the Commissioner of Police took no notice of the incident.

Mr. PRESIDENT: I do not wish you to enter into the merits of the case at this stage. The wording of the motion should be such that it comes within the four corners of the Rules and Standing Orders of the House.

Mr. KAMINI KUMAR DUTTA: If this motion reads like this "That the business of this House do now stand adjourned to discuss a matter of urgent and definite public importance, namely, the assault on members of the House in an attempt to influence their freedom of action in the discharge of their duties as members by the threat of physical violence at the instance of some members of the Cabinet.

Mr. PRESIDENT: Will Mr. Mookerjee take the responsibility for saying so?

Mr. NARESH NATH MOOKERJEE: It is clear that some members of the Cabinet were interested——

Mr. PRESIDENT: I should like you to tell me specifically that you take the responsibility for saying that this was done at the instance of some members of the Cabinet.

Mr. NARESH NATH MOOKERJEE: Yes. I wish to add the word "presumably" before the words "at the instance of".

Mr. PRESIDENT: It is very vague. I am extremely sorry that the motion as it is worded does not conform to the Rules and Standing Orders of this House; so it is ruled out of order. If any member will bring in a motion of breach of privilege of the House, I shall consider it. If any member of the House was interfered with, in discharging his duties, it is a grave breach of the privilege of the House and the Chair will at any time consider the matter very seriously. Does Mr. Kamini Kumar Dutta like to move his motion for adjournment?

Mr. KAMINI KUMAR DUTTA: Yes. I have already moved it.

Mr. PRESIDENT: Have the Government any objection to this motion?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. PRESIDENT: I should like to have the opinion of the House as to when this motion should be taken up.

Rai BROJENDRA MOHAN MAITRA Bahadur: So far as this side of the House is concerned, we are agreeable to sit after eight.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I do not agree to that. It must be during our usual working hour.

Sir EDWARD C. BENTHALL: On Wednesday.

Mr. PRESIDENT: I fix the time for taking up this motion for adjournment at 2-15 p.m. on Wednesday the 10th of August next.

Committee of Petitions.

Mr. PRESIDENT: As the Committee of Petitions is a sessional Committee, I appoint the Petitions Committee for the current session consisting of—

The Deputy President as Chairman,

Khan Sahib Abdul Hamid Chowdhury,

Mr. Kamini Kumar Dutta,

Rai Keshab Chandra Banerjee Bahadur, and

Mr. D. H. Wilmer.

Messages from the Assembly.

Mr. PRESIDENT: Will the Secretary please read the messages from the Assembly regarding Bills passed by that House and sent to this House.

The Secretary to the Council (Mr. K. N. Mazumdar): The following messages have been received from the Secretary of the Legislative Assembly:—

"In conformity with the requirements of rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Bengal Rates of Interest Bill, 1938, as passed by the Assembly on the 1st April, 1938, together with 150 spare copies of the Bill and to state, for the purpose of rule 36 of the Bengal Legislative Council Rules, that the Bill was not referred to any Select Committee of the Assembly before it was passed."

2. "In conformity with the requirements of rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Bengal Tenancy (Second Amendment) Bill, 1938, as passed by the Assembly on the 1st April, 1938, together with 150 spare copies of the Bill, and to state, for the purposes of rule 36 of the Bengal Legislative Council Rules, that the Bill was not referred to any Select Committee of the Assembly before it was passed."

3. "In conformity with the requirements of rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Calcutta Official Receiver's Bill, 1938, as passed by the Bengal Legislative Assembly on the 30th March, 1938, together

with 100 spare copies of the Bill and to state for the purpose of rule 36 of the Bengal Legislative Council Rules that the Bill was referred to a Select Committee of the Assembly before it was passed."

I lay on the table the following Bills which were passed by the Bengal Legislative Assembly at its meetings held on the 30th March and 1st April, 1938:—

(1) The Bengal Rates of Interest Bill, 1938 (passed on the 1st April, 1938, by the Assembly).

(2) The Bengal Tenancy (Second Amendment) Bill, 1938 (passed on the 1st April, 1938, by the Assembly).

(3) The Calcutta Official Receiver's Bill, 1938 (passed on the 30th March, 1938, by the Assembly).

Points of privilege of the House.

Mr. NARESH NATH MOOKERJEE: I submit, Sir, that my motion, as amended by Mr. Kamini Knmar Dutta, be referred to the Privileges Committee for their report and action.

Mr. PRESIDENT: I would request you to read out your motion.

Mr. NARESH NATH MOOKERJEE: Sir, I beg to move that in the opinion of this House the assualt committed on a member of this House in an attempt to influence his freedom of action and opinion in the discharge of his duties as a member by threat of physical violence, presumably at the instance of some members of the Cabinet, be referred to the Privileges Committee for their necessary action and opinion.

Mr. PRESIDENT: Motion moved that in the opinion of this House the assault committed on a member of this House in an attempt to influence his freedom of action and opinion in the discharge of his duties as a member by threat of physical violence, presumably at the instance of some members of the cabinet, be referred to the Privileges Committee for their necessary action and opinion.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I rise on a point of order, Sir? The question of the breach of privileges will arise when a particular member of the House has done certain things within the House and then he has been roughly handled but not otherwise.

Mr. PRESIDENT: May I ask the hon'ble member one question? Suppose a member is coming to the House and he is obstructed and he is not allowed to attend a meeting of this House. That will certainly amount to a breach of the privileges. If any authority is required, I can cite any number.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: But if a member goes to canvass in favour of a particular matter or question, I do not think any breach of the privileges will be committed if he is obstructed therein.

Mr. PRESIDENT: The question will have to be gone through in the Privileges Committee. We here only refer the matter to that Committee and the House will have to adjudicate later on the facts.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: My point was this, whether this was an appropriate matter to come in as a motion of adjournment, although I am not going into the merits of the case. The merits of the case we need not discuss at this stage.

Mr. PRESIDENT: Order, order. As I have already given my ruling, the question cannot be raised now whether this is a proper motion for the adjournment of the House or not. That is too late now.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I never question your ruling, Sir, but I submit that if you would permit me to explain, I could show that it is not a question of the breach of the privileges.

Mr. NARESH NATH MOOKERJEE: The hon'ble members were going to attend a party meeting and I think that a party meeting is as important as any meeting of this House, and I further think, Sir, that it was a definite breach of the privileges if a member was not permitted to attend it.

Mr. PRESIDENT: However, as I have said, the House will finally decide about this question on a report from the Privileges Committee. So I direct that this matter be discussed by the Privileges Committee and be reported to the House for its final consideration, within a week. Mr. Hamidul Huq Chowdhury!

(At this stage Mr. Hamidul Huq Chowdhury was not present in the Chamber.)

There is an item on the List of Business which the Deputy President will have to present, viz., the report of the Rules Committee.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Probably he is very busy outside, canvassing for votes!

Mr. BANKIM CHANDRA DATTA: May I, Sir, with your leave move that, although the report is practically complete, yet since there are some formal amendments and clerical mistakes to be cleared up, some further time may be allowed to present the same?

Mr. PRESIDENT: I am afraid that will have to be asked for by the Deputy President himself. Let it be moved the day after to-morrow.

There are still some matters left, and as there is time I would like to draw the attention of the House to a matter that concerns the dignity of the Chair.

The attention of the Chair has been drawn to the writings under the heading "Things the public want to know" which appeared in a certain local newspaper in its issue, dated 6th of August last. There is no doubt that the statement, though put in the garb of a questionnaire, contained insinuations against the Chair for taking active part in party politics. The Chair is of opinion that such publications constitute a great breach of privilege of the House. The press must realise that the suggestions of partiality, however remote, directed against the Chair are not to be tolerated. The Chair must maintain the reputation for impartiality at all costs and that is not possible if he permits such insinuations to pass unnoticed. The House will have to adjudicate ultimately, if it is a breach of privilege and contempt. But as the motion of no-confidence in the Ministry is going to be discussed in the Assembly to-day to which the questionnaire refers, I categorically deny all the insinuations contained in the questionnaire. I did not meet or discuss with any member of the Legislative Assembly belonging to the Scheduled Caste or any other party, for the purpose of influencing them to vote in favour of my party. In fairness, the least that the Editor could do, was to enquire of me before he rushed to print.

I refer this matter also to the Priyileges Committee, to submit their report after proper enquiry within the course of ten days.

The Hon'ble Sir Bijoy Prasad Singh Roy will now please lay the Bengal Tenancy Ordinance, 1938, as promulgated by the Governor, on the table

GOVERNMENT BUSINESS.

Laying the Bengal Tenancy Ordinance as promulgated by His Excellency the Governor, on the table.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to lay the Bengal Tenancy Ordinance, 1938, as promulgated by the Governor, on the table.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I know when this matter will be taken up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This will not be taken up at all, it is only laid on the table.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to give notice that on the 15th August, 1938, I shall move, on the recommendation of His Excellency the Governor, that the Calcutta Official Receivers' Bill, 1938, as passed by the Bengal Legislative Assembly, be taken into consideration.

Adjournment.

The Council then adjourned till 1-45 p.m. on Wednesday, the 10th August, 1938.

Members absent.

The following members were absent from the meeting held on the 8th August, 1938:—

(1) Ahmed, Mr. Nur.
(2) Ibrahim, Khan Bahadur Maulvi Mohammad.
(3) Mookerji, Dr. Radha Kumud.
(4) Ormond, Mr. E. C.
(5) Roy, Rai Bahadur Radhica Bhusan,
(6) Shamsuzzoha, Khan Bahadur M.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 10th August, 1938, at 1-45 p.m., being the second day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Jute crop.

7. **Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) what steps Government has so far taken to show that the Government is alive to the great importance of jute crop in the economic sphere of Bengal and to the urgent necessity of keeping the interests of jute-growers in the forefront;

(*b*) whether in 1928-29, the jute cultivators of Bengal got 47 crores and 75 lakhs of rupees and whether in course of ten years in 1937 their receipts dwindled down to 17½ crores of rupees; if not, what is the Government's information on the point; and

(*c*) whether it is a fact that this year their receipts are likely to fall still lower?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Agriculture and Industries Department): (*a*) My department has always been alive to the economic importance of jute and has for some years been carrying on an intensive propaganda for the voluntary restriction of its cultivation, as a result of which propaganda the price rose from Rs. 3-8 (per maund) during the period from 1932-33 to 1934-35 to Rs. 5 as at present. As a preliminary to any

scheme of compulsory restriction and fixation of minimum price, in collaboration with the Central Jute Committee, I have been carrying on experiments in a method of jute census. I have prepared an Agricultural Produce Markets Bill with a view to the regulation and control of the markets for agricultural produce (including jute) which I hope to introduce in the Assembly shortly and, pending the passing of the Bill into law, I have secured provision in the current year's budget for the establishment of two regulated jute markets on a voluntary and experimental basis. I have been endeavouring to secure the co-operation of the neighbouring jute-growing provinces which is an essential preliminary to any scheme of compulsory restriction or fixation of a minimum price.

(*b*) The sale-proceeds of the jute crop in the year 1928-29 amounted to approximately Rs. 38 crores, and in the year 1936-37 to approximately Rs. 21 crores. The sale-proceeds fell to the figure of Rs. 8·62 crores in 1932-33 prior to the institution of the voluntary jute restriction campaign.

(*c*) Figures for receipts during 1937-38 are not yet available.

Stock of raw jute.

8. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to State—

(*a*) what steps he has taken so far to enable the jute-growers to know the exact stock of raw jute within India and outside India particularly in the United States, Great Britain, Germany and Japan; and

(*b*) whether leaflets in Bengali were circulated among the jute cultivators in Bengal giving them the information on lines of part (*a*) of the question; if not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Agriculture and Industries Department): In course of jute restriction propaganda endeavour was made to educate the cultivators in the laws of supply and demand. All information regarding the stock of raw jute lying with the Indian mills, the position of the trade both in India and abroad and the likely demand for raw jute during the current year was made available to them. Bengali leaflets, coloured posters, magic lantern slides and periodical notes were prepared and circulated for this purpose.

Expected demand of raw jute.

9. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Government informed the jute cultivators of the expected demand of raw jute during the current year? If so, whether Bengali leaflets were circulated?

(*b*) What steps have Government taken for having regulated markets for fixing the minimum price and for restricting methodically and scientifically in the light of expected demands the cultivation of jute in Bengal?

(*c*) Do the Government propose to initiate legislation to give effect to the proposals contained in part (*a*) of the question? If not, why not?

(*d*) Do the Government also propose to grant subsidy to the Bengalees to start jute manufacturing industries in Bengal with the object of improving demand for raw jute?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Agriculture and Industries Department): (*a*) Yes.

(*b*) I am preparing an Agricultural Produce Markets Bill which I hope to introduce in the Assembly in the cold weather session. The Bill, if it passes into law, will enable the marketing of jute to be regulated and controlled. My department has been carrying on intensive propaganda for the voluntary restriction of the cultivation of jute since 1934. The result has been considerable improvement in the price of jute. With a view to deciding the preliminaries in regard to the questions of compulsory restriction and the fixation of a minimum price, I am at present experimenting on a method of jute census in collaboration with the Indian Central Jute Committee. I have been endeavouring to secure the co-operation of the neighbouring jute-growing provinces which is essential for the success of any such schemes.

(*c*) The question is under my consideration.

(*d*) No such proposal is at present under my consideration.

Marketing of jute.

10. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state if the Government do propose to adopt any measure for—

(*i*) marketing of jute;

(*ii*) storage facility;

(*iii*) improvement in quality and quantity of jute fibre; and

(*iv*) establishment of cohesion among the diverse component parts of the trade?

(*b*) Are the Government aware that there is lack of standard weight in jute market in rural Bengal and different kinds of weighments prevail in different jute centres?

(*c*) If the answer to (*b*) be in the affirmative, are the Government aware that such confusion in weight causes loss to the peasant jute-sellers? If so, what steps, if any, do Government propose to take to stop such different standards of jute weight?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Agriculture and Industries Department): (*a*) (*i*) I have prepared an Agricultural Produce Markets Bill with the object of regulating and controlling markets for agricultural produce, including jute. I hope to be in a position to introduce the Bill in this House in the near future. Meantime I am experimenting in voluntary markets for jute and hope to succeed in establishing two such markets this year, one in the very near future.

(*ii*) The draft Agricultural Produce Markets Bill contains provision for storage facility.

(*iii*) My department is engaged in research on jute fibre with the object of its improvement both in quality and quantity.

(*iv*) The establishment of cohesion among the components of the trade is a matter for the Commerce Department.

(*b*) Yes.

(*c*) Yes. The general question of standardisation of weights and measures falls under the Public Health and Local Self-Government Department, which department are, I understand, giving their best attention to the problem. The Bengal Agricultural Produce Markets Bill, I have mentioned in my answer to question (*a*) (*i*), contains provisions for securing standardisation in particular markets.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state as to where the two voluntary markets are going to be localised?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not think it has yet been decided.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to explain what is meant by this that as a matter of experiment two such markets have been settled to be established?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The number has been settled, but the location has not yet been settled.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to explain what is meant by voluntary market?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The producers are not compelled to take their produce to the market. It is purely optional.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to give us any idea as to the districts where these markets are intended to be established?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not in a position to say more definitely than what I have already said.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Minister be pleased to state if it is not a fact that the subject-matter of this question is covered by the Indian Central Jute Committee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes; that is so.

Large and key industries of the province.

11. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state if the Government has settled upon any co-ordinated plan on an all-India basis in respect of all large and key industries of the province to place the same before the Government of India for immediate consideration and action?

(*b*) Does the Government intend to adopt the following measures or any of them for the development of the large and key industries in the Province of Bengal:—

(*i*) drawing up after necessary survey of a list of important and key industries deserving State recognition and encouragement;

(*ii*) preparing of schemes for setting up and fostering these industries in areas most suitable from the point of view of materials and past development;

(*iii*) controlling of indiscriminate expansion of a particular industry; and

(*iv*) to present a demand to the Central Government for necessary help and protection in respect of currency, tariff and railway freight, etc.?

(*c*) Will the Hon'ble Minister be pleased to state whether Government propose to take any steps in respect of the matters enumerated above?

(*d*) If the answer to (*c*) be in the affirmative, will the Hon'ble Minister be pleased to state what are the steps taken in this direction?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Agriculture and Industries Department): No. I am at present awaiting the results of the Conference of Provincial Ministers of Industries proposed by the Hon'ble Education Minister in the Bihar Government to consider the question of large and key industries.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if any Minister from Bengal would like to attend that conference?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe so, Sir.

Bajra railway station.

12. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware of the inconvenience of the passengers in Bajra (Assam-Bengal Railway) station, specially in the rainy season, owing to the absence of passenger shed at the above station?

(*b*) Are the Government considering the desirability of drawing the attention of Assam-Bengal Railway authorities to this matter?

(*c*) Are the Government aware that there is no arrangement for drinking water at this station?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) and (*b*) Waiting rooms are provided at stations on the Assam-Bengal Railway in order of their importance as far as funds permit. As there are yet many stations more important than Bajra where this amenity could not yet be provided, it is not feasible to provide a waiting shed at this station at present.

(*c*) There is already a ground tank at this station and water duly chlorinated is kept in *chatties* for supply to passengers.

River Titash.

13. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether Government are aware that the Titash river running by the Akhaura railway station in Tippera has silted up in many places and has almost closed, thus impeding navigation in the said river?

(*b*) Will the Government be pleased to state whether Akhaura is an important centre of trade in jute and whether Government is aware that unobstructed navigation throughout the whole year in that river is essentially necessary for the maintenance of trade there?

(*c*) Is the territory of Tripura State connected with British Tippera by a road running from Akhaura?

(*d*) Will the Hon'ble Minister be pleased to state what steps, if any, the Government propose to take to get the Titash river made fit for navigation and to have it excavated by dredger or by other means?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*), (*b*) and (*d*) The hon'ble member is referred to the replies given on the 22nd September, 1937, and the 25th February, 1938, to the Council questions by Mr. Lalit Chandra Das.

(*c*) Yes.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to be a little more explicit as to the answer to this question? I looked into the previous reply. There it was stated that the use of the dredger would be of no use. My question is not only confined to the use of the dredger but to the adoption of other means also. Will the Hon'ble Minister be pleased to state with reference to the query made in sub-clause (*d*) as to whether the adoption of any new means except dredgers has been considered and any opinion formed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It is difficult to give an answer straightaway, but I think, as I have already stated in the previous answer, the water level in the river Meghna makes the adoption of any other method almost an impossible proposition.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether any enquiry has been made as to the feasibility of any other method?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already said in the previous reply referred to in the answer, the question was looked into some years ago and, I believe, the estimate was near about a lakh of rupees, but the result was considered to be uncertain. So it was abandoned.

Gariahata Excise Case.

14. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state—

(*a*) the amount so far incurred by the Government in the Gariahata Excise Case;

(*b*) the names of advocates and pleaders so far engaged by the Government in that case; and

(*c*) the amount of fees so far received by each of them with the rate of fees per day?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) Rs. 1,68,968: Government of India will meet two-thirds of the expenditure in this case.

(*b*) and (*c*) A statement is laid in the Library.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware of the public opinion on this case that there was a collusion between the lawyers to prolong the case to fill up their pockets?

Mr. PRESIDENT: Order, order. Such insinuation against the Bar is not in order.

Union Boards of Bengal.

15. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the amount of assessment in all Union Boards of Bengal under sections 37 (*a*) and 37 (*b*) of the Bengal Village Self-Government Act;

(*b*) whether the Government propose to give the Union Boards the option of reducing their expenditure by reducing the number of *chaukidars* and *dafadars*; and

(*c*) whether the Government propose to allow the Union Boards to spend more money for works under section 37 (*b*) of the said Act?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The figures for 1936-37 are as follows:—

Under section 37 (*a*) Rs. 57,81,670-13-5, and;

Under section 37 (*b*) Rs. 15,30,739-8-11.

The figures for 1937-38 have not yet been received from the Divisional Commissioner.

(*b*) Under section 21 (*1*) of the Village Self-Government Act, the number of *dafadars* and *chaukidars* to be employed in a Union is determined from time to time by the District Magistrate after consideration of the views of the Union Board.

(*c*) Section 37 (*b*) of the Village Self-Government Act empowers Union Boards to raise by local taxation the money required to carry on the objects mentioned therein.

Post of Divisional Commissioners.

16. Rai MANMATHA NATH BOSE Bahadur (on behalf of Rai Satish Chandra Mukherji Bahadur): Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether there is any truth in the rumour that Government intends to abolish two posts of Divisional Commissioner in the Province of Bengal?

(*b*) If that be the fact, is that going to be done without increasing any post in any other direction?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): The subject is under examination in this department.

Detenu Srijut Prafulla Kumar Ghose, M.A., B.L.

17. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether in 1930 just after the Chittagong Armoury Raid detenu Srijut Prafulla Kumar Ghose, M.A., B.L., was arrested and detained and that for the last nine years he is being detained without trial?

(*b*) Is it the intention of Government to keep him in internment without trial indefinitely? If not, do Government propose to release him forthwith? If not, will Government state the reasons for not releasing him or for not putting him to trial?

(*c*) Is it a fact that he is suffering from various ailments since he last went on hunger-strike at Deoli?

(*d*) Is it a fact that his father died in last April and although he is the only son of his parents, he was not allowed to attend his father's death bed? Why was not this allowed even under proper escort?

(*e*) Is it a fact that no expenses for *sradh* ceremony were granted to him? If not, why not?

(*f*) Is it a fact that the family allowance of the aforementioned detenu has been stopped on the death of his father, though his mother is alive? Why has the allowance been altogether stopped when his dependant mother is still alive?

(*g*) Is it a fact that his mother is starving and is it also a fact that the information of the starvation of his mother has been sent by the said detenu to the Government, and is it a fact that he also informed Government about his determination to starve to death along with his mother? What has the Government done to avert the situation?

(*h*) Do the Government propose to continue the family allowance during his mother's life time? If not, why not?

Minister in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) This individual has been unconditionally released.

(*c*) I have no information that this is so.

(*d*) The detenu was given leave, and did go home, but arrived after his father's death.

(*e*) Yes. The decision follows a long standing order of Government to the effect that no such grant will ordinarily be made in respect of a first *sradh* when leave to go home is granted.

(*f*) to (*h*) The hon'ble member appears to be labouring under a misapprehension. The circumstances of the widow were enquired into by the District Magistrate and an allowance as recommended by him is being paid.

Mr. LALIT CHANDRA DAS: What is the amount of that allowance?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Dining shed for prisoners in Comilla Jail.

18. **Mr. KAMINI KUMAR DUTTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if the Government is aware that there is no shed in Comilla District Jail under which the prisoners can sit for taking their food?

(*b*) Is it a fact that the prisoners in that jail are required to take their food in open, uncovered space?

(*c*) What steps do the Government propose to take to remove that inconvenience? Has any decision for the improvement of the aforesaid condition been arrived at? If so, when is it going to be put into action?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government are fully aware of the necessities of the case, but it has not been possible hitherto to provide funds to remedy the defect. A less expensive project than that originally suggested has now been prepared and it is hoped that it will be possible to allot funds during the current year.

Detenu Babu Ganes Chakrabartti.

19. **Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether on the 16th June last at the Barisal Sadar Hospital a detenu, Babu Ganes Chandra Chakrabartti, of village Bidzakati, police-station Nabinagar, district Tippera, breathed his last;

(*b*) what was his age at the time of his death;

(*c*) to what disease he succumbed and for how long he was ailing;

(*d*) where he was interned before his removal to Barisal; what is the distance of that village from Barisal;

(*e*) whether it is a fact that before his removal to Barisal the detenu was suffering from high fever for seventeen or eighteen days in that village;

(*f*) who treated him in the village, and what are the medical qualifications of the doctor who treated him;

(*g*) whether the thana officers can remove detenu patients staying in a village to Sadar Hospital without waiting for orders from authorities; if not, why they are not so empowered;

(*h*) whether the relatives of Babu Ganes Chakrabartti were informed of the seriousness of his illness; if so, on which date; whether any of them came; if so, on which date;

(*i*) for how long the aforesaid Ganes Chakrabartti was in internment; and why he was not released at least on grounds of ill-health;

(*j*) whether it is a fact that between the 12th May, 1938, and the 15th June, 1938, there were as many as forty-six detenus suffering from different ailments and some of them from tuberculosis; and eight of them had to be sent to the Presidency Jail for treatment; if not, how many were suffering and what are the names of the detenus suffering between those dates; and

(*k*) whether Government propose to release all detenus forthwith; if not, will Government please state the reasons why they should be kept so long in detention without trial?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*c*) A statement is laid on the table.

(*j*) I regret that the information desired by the hon'ble member is not readily available, but I am in a position to inform him that only one detenu, namely, Babu Sunil Kumar Das, was admitted to the Presidency Jail for treatment in the period referred to.

(*k*) The release of the few remaining persons detained will proceed in accordance with the policy of Government already announced.

Statement referred to in the answer to question No. 19.

The late detenu Babu Ganes Chandra Chakrabartti died of typhoid fever at the Barisal Sadar Hospital on the 16th of June. He was domiciled at Mehendiganj and first complained of illness when attending the thana on the 19th May. Medicines were brought from the dispensary, but on the 21st, as the detenu was no better, he was asked by the thana authorities whether he wanted to go to Sadar or to see a doctor. The detenu replied in the negative, but on the following day as his fever continued, the Sub-Assistant Surgeon in charge of the Paterhat Charitable Dispensary was called in, and he treated the detenu for suspected malaria. Under his treatment the detenu appeared to improve, but on the 30th May had a relapse. He was again examined by the Sub-Assistant Surgeon on this date, and the detenu put in a request for transfer to Sadar. This request was supported by the Sub-Assistant Surgeon on the ground that the detenu appeared to be suffering badly from malarial fever, and the recommendation was forwarded to the Superintendent of Police who received it on the 2nd of June. A

constable was also deputed by the thana authorities to act as additional servant for the detenu. Orders for the transfer of a detenu to hospital are ordinarily passed by the District Magistrate, but on this occasion the Superintendent of Police, to expedite transfer, on his own responsibility ordered on the 5th June that the detenu should be brought in to Sadar. The detenu was admitted to the Sadar Hospital on the afternoon of the 6th June. He was visited there by the Superintendent of Police and the District Magistrate and on the 9th June a telegram was sent informing his relatives that he was seriously ill. The detenu's elder brother arrived on the 13th of June and remained in attendance to the detenu until his death. The detenu was released from the Berhampore Camp and sent to village domicile on the 12th of February, 1938.

Honorary Deputy Superintendent of Police.

20. Rai MANMATHA NATH BOSE Bahadur (on behalf of Rai Satis Chandra Mukherji Bahadur): Will the Hon'ble Minister in charge of the Home Department be pleased to state the meaning of the term and designation of the Honorary Deputy Superintendent of Police?

(*b*) Are police officers who are now being appointed as such getting any extra emolument for such appointment?

(*c*) What are the reasons for such appointments?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*c*) The rank of Honorary Deputy Superintendent of Police is conferred on certain Police Inspectors for the following reasons:—

(*i*) where an Inspector has served with credit in a specialised post from which it is undesirable to remove him, and he consequently loses his chance of ordinary promotion;

(*ii*) where an Inspector holds a post of special importance, such as a court inspectorship of a large district; and

(*iii*) as a mark of appreciation of the services of a specially deserving Inspector at the time of his retirement.

Such officers are entitled to wear the uniform of Deputy Superintendents, and they rank as senior to all Inspectors.

(*b*) No.

Mr. RANAJIT PAL CHOUDHURY: Do they get any sort of allowance for their work?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to my answer (*b*).

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister be pleased to state the date from which such honorary designations are being conferred? Has it been in vogue for a long time?

The Hon'ble Khwaja Sir NAZIMUDDIN: For some time past.

Settlement operations.

21. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department, kindly state—

(*a*) the expenditure on—

(*i*) District Settlement operation, and

(*ii*) Land Revenue Settlement operation

during the last ten years—year by year; and

(*b*) budget allotment of the current year for—

(*i*) District Settlement operation, and

(*ii*) Land Revenue Settlement operation;

(*c*) whether it is a fact that the Revisional District Settlement operations having been stopped, the expenditure on District Settlement operations in the current year comprises expenditure on two District Settlements only at closing stage;

(*d*) whether it is a fact that the figures of ten preceding years show expenditure on three to four District Settlement operations every year; and

(*e*) the ratio that the expenditure allotted for current year for such purposes bears to the amount spent in each of the last ten years for such purposes?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Statement I laid on the table furnishes the information.

(*b*) (*i*) Major Settlement operations—Rs. 9,67,000.

(*ii*) Minor Settlement operations—Rs. 2,35,000.

(*c*) The expenditure in the current year relates to Major Settlement operations in the following districts:—

(1) Rangpur
(2) Howrah } which are in closing stages;

(3) Dinajpur, where work in all the stages is in progress; and

(4) in the partially excluded area in the district of Mymensingh, where work has just been started.

(*d*) They show the expenditure of five or six operations at various stages.

(*e*) Statement II laid on the table furnishes the information.

Statements referred to in the answer to question No. 21.

STATEMENT I.

Year.	District Settlement.	Minor Settlement (Land Revenue, Advance recoverable and maintenance).
	Rs.	Rs.
1928-29	18,69,725	2,60,020
1929-30	17,13,118	2,31,985
1930-31	17,07,786	2,61,799
1931-32	13,12,776	3,40,439
1932-33	11,94,173	4,48,448
1933-34	11,24,394	5,03,964
1934-35	12,48,367	4,09,497
1935-36	11,30,151	3,68,298
1936-37	11,46,112	3,49,437
1937-38	10,87,905	2,32,001

STATEMENT II.

Year.	District Settlement ratio.	Minor Settlement ratio.
1928-29	·51	·90
1929-30	·56	1·01
1930-31	·56	·89
1931-32	·73	·69
1932-33	·80	·52
1933-34	·86	·46
1934-35	·77	·50
1935-36	·85	·63
1936-37	·84	·67
1937-38	·89	1·01

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer (*d*), will the Hon'ble Minister be pleased to state whether it is a fact that of these five or six operations, three were at all stages of work?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, Sir.

Bengal Home Industries Association.

22. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) whether there is such a shop named Bengal Industries Home at 42, Chowringhee Road, Calcutta;

(*b*) whether Government pay annual subsidy to the aforementioned Bengal Industries Home; if so, what was Government's subsidy to it in 1935-36, in 1936-37 and in 1937-38; and also for the current year;

(*c*) whether the Government get yearly balance sheet of that Bengal Industries Home;

(*d*) if the answer to (*c*) be in the affirmative, whether the Hon'ble Minister will be pleased to state if in the last three preceding years, there has been loss or gain in the aforesaid business;

(*e*) if the answer to (*d*) be that there has been loss, whether the Hon'ble Minister will be pleased to state—

(*i*) what has been the yearly loss during the last three years, and

(*ii*) whether there has been at any time any profit in that business;

(*f*) (*i*) who is at the head of the staff conducting sales in that Bengal Industries Home;

(*ii*) what is her or his monthly salary;

(*iii*) what is the yearly expenditure on pay of the staff working in that business;

(*iv*) what is the total number of salesmen or saleswomen in that staff;

(*v*) of them, how many are Anglo-Indians or Europeans;

(*g*) whether it is a fact that in this Bengal Industries Home there are goods of foreign make which are regularly kept and shown to customers and sold;

(*h*) if the answer to (*g*) be in the affirmative, what was the total sale in that Bengal Industries Home of Bengal goods, and what was the total sale of goods of foreign make in 1935, 1936 and 1937; and

(*i*) whether the Hon'ble Minister intends to continue the subsidy, increase or decrease it; in any case whether the Hon'ble Minister will be pleased to explain the reasons thereof?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Agriculture and Industries Department): (*a*) Yes, but the proper name of the shop is the "Bengal Home Industries Association".

(*b*) Yes.

1935-36—Rs. 18,000.

1936-37—Rs. 18,000.

1937-38—Rs. 18,000.

1938-39—Not yet sanctioned.

(*c*) Yes.

(*d*) 1935-36—Loss.

1936-37—Loss.

1937-38—Account not yet audited.

(*e*) (*i*) 1935-36—Loss Rs. 18,592-3-7.

1936-37—Loss Rs. 13,457-7-1.

1937-38—Not yet known.

(Losses are exclusive of Government grant.)

(*ii*) No.

(*f*) (*i*) A European lady.

(*ii*) Rs. 450 per month.

(*iii*) Rs. 12,600 per annum.

(*iv*) Thirty voluntary helpers.

(*v*) Twenty-six Europeans. No Anglo-Indians.

(*g*) No foreign goods are sold by the Association.

(*h*) The sale of Bengal goods was as follows:—

1934-35—Rs. 27,839-13-5.

1935-36—Rs. 31,460-15-2.

1936-37—Rs. 56,620-6-9.

(c) The continuance of the grant and the actual amount of the grant to the Association are considered on the basis of the work done each year. The Association markets the products of Bengal home industries, arts and crafts and thus serves to develop and promote such industries, arts and crafts.

The Association therefore claims and merits Government subsidy. In many cases the Association has to sell at a loss as compared with the expense of putting an article on the market. When industries have to be revived, there are many initial crude efforts which cannot be offered for sale but must nevertheless be paid for to encourage the home industrialist. Hence the loss. The functions and objects of the Association are different from those of a business which merely buys and sells at a profit. The Association does not get the middleman's profits.

Mr. LALIT CHANDRA DAS: What is the name of that European lady who is at the head of the Home Industries Association?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, Sir. I am told she is Mrs. Hans.

Mr. LALIT CHANDRA DAS: Is there any Indian engaged in this Association, which goes by the name of Bengal Home Industries Association?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, Sir.

Mr. LALIT CHANDRA DAS: In view of the answer given in (c), that the continuance of the grant and the actual amount of the grant to the Association are considered on the basis of the work done each year and in view of the loss being equal to the grant, will the Government consider the advisability of cutting off this grant altogether in future?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Certainly not, Sir.

Mr. LALIT CHANDRA DAS: It is stated in answer to part (b) "1938-39 not yet sanctioned", may we know what sum has been allotted as Government grant for this Bengal Home Industries Association?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not carry this information in my brain. But if the hon'ble member will kindly look into the budget which is public property, he will get the necessary information.

Mr. LALIT CHANDRA DAS: Arising out of answer to part (*g*), where it is stated "no foreign goods are sold by the Association", will the Hon'ble Minister be pleased to state whether it is a fact that in the Bengal Home Industries Association there are goods of foreign make which are regularly kept in stock and sold?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No foreign goods are sold by the Association.

Mr. LALIT CHANDRA DAS: I ask whether, as a matter of fact, foreign goods are stocked in that Home?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, I do not think so; they are not stocked.

Mr. LALIT CHANDRA DAS: Sir, the answer of the Hon'ble Minister is "thinking". Will he be more explicit?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, no. Definitely "no," most emphatically "no".

Mr. LALIT CHANDRA DAS: Can the Government insist upon the appointment of Indians in the Bengal Home Industries Association to look after its affairs?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government are not prepared to insist on anything because there are twenty-six voluntary workers who help this Association a lot. So Government cannot insist on colour basis.

Mr. LALIT CHANDRA DAS: But there is already a colour basis. Cannot Government replace the twenty-six Europeans by twenty-six Indians?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There are thirty voluntary workers helping the Association. In answer to part (*v*) I have stated that there are twenty-six Europeans out of these thirty voluntary workers. So Government are not prepared to replace these twenty-six Europeans by Indians.

Mr. LALIT CHANDRA DAS: But here it is stated in answer to part (*v*) that there are twenty-six Europeans.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The twenty-six Europeans mentioned here are all volunteers. They are not paid workers, and I am sure the Association will welcome voluntary workers, irrespective of community.

Dr. RADHA KUMUD MOOKERJI: We want to know what is the extent of the Indian element in the paid services of the Association.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice, Sir.

Mr. NARESH NATH MOOKERJEE: Do the voluntary workers get any commission?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The words "voluntary" and "commission" are contradictory.

Mr. NARESH NATH MOOKERJEE: Any remuneration or honorarium of any kind?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I thought that the hon'ble member being a businessman, had sufficient knowledge of business principles.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I suggest, Sir, that some of these hon'ble members should go to that Association and buy something so that they may know more about it?

Mr. HAMIDUL HUQ CHOWDHURY: May I say, Sir, that in England "Home" means English Industries?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid it is ignorance of the English language then.

Sale of jute.

23. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state if the Government are aware of the fact—

(*i*) that the season for the selling of jute commences regularly from July;

(*ii*) that the full season for the sale of jute continues till October;

(*iii*) that the current market price of jute during June of the present year is lower by twenty per cent. than the price prevailing in June in the previous year;

(*iv*) that there is likelihood of a lower demand for purchase of raw jute this year;

(*v*) that there is a good stock of manufactured jute products in the mills;

(*vi*) that the jute mills are thus likely to work less during the present year;

(*vii*) that there is likelihood of low demand for purchase of raw jute from foreign countries also;

(*viii*) that after some rise in world trade, depression was being noticed again in 1937;

(*ix*) that the export of raw jute from India in 1937 was less than that in the previous year; and

(*x*) that the demand for manufactured jute products has also decreased to some extent?

(*b*) If the answers to (*a*) (*i*) to (*x*) be in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government intends to take to prevent the lowering of the price of jute and to protect the interest of the cultivators?

(*c*) Will the Hon'ble Minister be pleased to state if the Government intends to place the export trade of jute on a sound and stable basis and what steps, if any, Government intends to take for the purpose?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Agriculture and Industries Department): (*a*) (*i*) to (*iii*) Yes.

(*iv*), (*vi*) and (*vii*) I am not at present in a position to give an opinion.

(*v*) Yes.

(*viii*) Yes, but the general trade position is again improving.

(*ix*) and (*x*) Yes.

(*b*) My department, since 1934, has been carrying on propaganda for restriction of jute cultivation on a voluntary basis. I am endeavouring to find a method of making a census of jute as a preliminary to any scheme of compulsory restriction, and am experimenting at a cost of Rs. 50,000 this year. I have prepared an Agricultural Produce Markets Bill. I am endeavouring to secure the co-operation of neighbouring jute-growing provinces in any scheme whether for voluntary or for

compulsory restriction. I have appointed a Provincial Jute Committee to go into the whole question of jute including the questions of compulsory restriction and the fixation of a minimum price.

(*c*) This matter concerns the Government of India.

Mr. KAMINI KUMAR DUTTA: With reference to the reply given to clause (*c*) will the Hon'ble Minister be pleased to state whether the Government of Bengal intend to put any pressure on the Government of India for the purpose?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Government of Bengal never put any pressure but they make their submission to the Central Government.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether the Government of Bengal are, in their own language, going to "make any submission"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, if necessary, they will.

Mr. PRESIDENT: The House will now take up the adjournment motion.

Adjournment motion.

Mr. KAMINI KUMAR DUTTA: Sir, I move that this Council do adjourn its business for the purpose of discussing a definite matter of urgent public importance, namely:—

(*a*) The appointment of the under-mentioned several Committees by the Government of Bengal and the policy and procedure adopted in connection therewith:—

(*i*) Committee appointed to investigate the problem of improving the price of paddy and rice as affecting the Province and to make recommendations in the matter.

(*ii*) Committee appointed to investigate the jute problem as affecting this Province.

(*iii*) Committee appointed to investigate the problem of improving Madrassa education in the Province and to make recommendations in the matter in due course.

(*iv*) Committee appointed to investigate the problem of improving primary and adult education in the Province and to make recommendations in the matter in due course.

(v) Committee appointed for enquiry into the working of the Chaukidari system throughout the Province of Bengal.

(vi) Committee appointed to investigate the rights of the tenants of non-agricultural lands in the Province and to make recommendations as to what can be done to protect the tenants from eviction at the will of the landlords.

(vii) Committee appointed to enquire into the incidence of rent in the Province and also into the existing law regarding reduction of rent and to make recommendations in the matter in due course.

Rai KESHAB CHANDRA BANERJEE Bahadur: I rise on a point of order as to whether or not the members of the Council should be first provided with a copy of the adjournment motion in order to enable them to follow the motion properly. We have not up till now received any copy.

Mr. PRESIDENT: As a matter of fact the motion is simply that the House do now adjourn. The details you will hear from the mover immediately.

Mr. KAMINI KUMAR DUTTA: My motion relates to the appointment of seven Committees by Government. All these seven Committees were appointed very recently and the appointments were announced by *Extraordinary Gazettes* and certainly it can be said that the appointments were also made in an extraordinary situation. The appointments were made at a time when the No-confidence motions were in the vision of the Legislature or when this matter of no-confidence was looming large in the horizon and indeed the atmosphere was very tense with speculations as to the future stability of the Ministry. It was at this time that we find that *Extraordinary Gazettes* were issued appointing seven Committees, ostensibly for the purpose of promoting some public interest; but one is naturally inclined to doubt the *bona fides* of these appointments. One is inclined to think that behind this avowed object of serving the public interest there may really be a desire of gaining an end—an end certainly directed towards the attainment of some advantage to the Ministers concerned. Really, if one would look into the appointments, the policy underlying the formation of these Committees and the procedure adopted therein, one cannot be blamed if he says that there is a motive behind these appointments and that these are nothing but subterfuges to hoodwink the public. If the constitution of these Committees, the procedure adopted in their appointment and the principle underlying them be considered, one can only come to the conclusion that there is an evident unreality in the formation of these Committees. The real intention

behind the formation of these Committees is not the good of the public. The cry of public good is nothing but an eye-wash merely to quiet the public clamour and to meet the situation with which Ministry was confronted regarding the No-confidence motions.

I must make one point clear before I proceed further. When speaking of the constitution of the Committees, I do not wish to say anything about the capacity and competence of the hon'ble members who have been appointed as members of the Committees. I have the highest regard for their ability and their competence and it should not be thought that I intend to cast any reflection on them. At the same time I must say that the formation of these Committees in such indecent hurry and haste has been nothing but a transgression of the ordinary principle of formation of any committee and it is nothing but a negation of the primary claim of the Council. In forming these Committees the principle observed where there are two Houses like here: that both the Houses are well represented. It is the established principle and convention all over the world where there are parliamentaly institutions and two Houses that both the Houses are equally represented in the Committees, irrespective of the numerical strength of each. Almost in all legislative bodies there are different parties representing different interests and the cardinal principle which is observed is that all the parties are well represented in the Committees appointed by Government, so that it might not be said that the Committees represented only particular views or interests. The different viewpoints are represented on the Committees. From the subject-matter for the investigation of which these Committees have been appointed, it is evident that they have to enquire into matters in which it cannot be said that the interests of all the classes are equal; interests must be conflicting and diverse and it is but fair and equitable that the Committees must be formed in such a manner and the constitution of them must be such that no objection can be taken. No particular interest should be ignored.

I will place before the House facts regarding the formation of the Committees which would reveal the inequity which has been perpetrated upon this House and upon the different parties in the Legislature and upon different interests which are represented in this House by different members elected from the constituencies.

One of the Committees was formed by a *Gazette Extraordinary*, dated 2nd August, 1938,—the memorable day on which the No-confidence motions were tabled and this is the Committee to investigate the rights of the tenants of non-agricultural lands in the Province and to make recommendations as to what can be done to protect the tenants from eviction at the will of the landlords. In that Committee we find fourteen members of which two are officials and one an outsider and

eleven members of the Legislature. A scrutiny of the constitution of this Committee would show that this is not a Committee of experts but that it really is a Committee of the members of the Legislature only, with an official either as Secretary or as President, purely to prepare the report. Of these eleven members of the Legislature I find, nine are from the Assembly and two from this House; no European has been taken in and not a single Congress member. (Laughter.) I find a little laughter from the other side. It is not the place to laugh as it was only the other day that the European Group did proclaim on the floor of the other House that they did not owe their allegiance to any group and that they formed an independent group of their own and certainly we do expect that in all matters they would mete out a fair deal. There should not be any sort of expectation in the minds of those who form the Ministry that they must have unequivocal support of the European Group in all matters, whether foul or fair. In these Committees there is not a single member from the Congress Group but it cannot be denied that the Congress forms an important group. It cannot be said that the Congress members refused to work on these Committees.

Before I proceed further in dealing with the inadequate representation of this House, I may say that in Canada and other places where there are two Houses, in the formation of committees both the Houses are equally represented. I may read with profit rule 126 of the Manual of Business and Procedure in the Indian Legislative Assembly where it has been laid down that if a resolution passed in the originating Chamber recommends that the bill should be committed to a joint Committee of both Chambers, a message shall be sent to the other Chamber to inform it of the resolution and to desire its concurrence in the resolution. If the other Chamber agrees, a motion shall be moved in each Chamber nominating members to the joint Committee; equal number of each must be named. The rule is emphatic and really there is reason behind this rule. The representation on the Committee does not depend upon the numerical strength.

Mr. PRESIDENT: I may remind the hon'ble member that there is a strict time-limit and that the President has no discretionary powers in that respect. He has only three minutes more.

Mr. KAMINI KUMAR DUTTA: It is a universally accepted principle that there must be equal representation of both the Houses. The next five Committees were formed on the 28th July and of these one was for primary education. It is a very important Committee, and it is really curious to see that on the Committee there is one official, and fifteen members—two from this House and twelve from the Assembly —but no Secretary or President has been appointed, perhaps in a hurry,

neither a single member from the Congress Group. Further, there is no time-limit for submitting the result of the investigation. There is another important Committee to consider the matter of jute, consisting of fifteen members and of them there are only two from this House and there is a sprinkling of two members from the Congress. The next Committee is to enquire into the working of the Chaukidari system consisting of fourteen members—twelve from the Assembly and only two from this House and there is also a sprinkling of two members from the Congress. Then there is a Committee for improving the price of paddy and of which eighteen members are from the Legislature and one only from the Congress—very scanty mercy indeed—and of the members only two are from this House. And then there is another Committee for improving the Madrassa education of which thirteen are from the other House, two outsiders and one from this House. There is a further peculiarity: it is that even as regards this Committee, no Chairman has been appointed, though in the resolution it is stated—

(At this stage the member reached the time-limit).

Mr. KAMINI KUMAR DUTTA: May I have one minute more, Sir?

Mr. PRESIDENT: You are allowed one minute more.

Mr. KAMINI KUMAR DUTTA: As to the Committee on the incidence of rent, it is very curious that although there are several members of the Progressive Group, who can well claim to be represented, none has been given a place.

Mr. PRESIDENT: Motion moved: that the House do adjourn its business for the purpose of discussing a definite matter of urgent public importance, namely:—

(*a*) The appointment of under-mentioned several Committees by the Government of Bengal and the policy and procedure adopted in connection therewith:—

(*i*) Committee appointed to investigate the problem of improving the price of paddy and rice as affecting the Province and to make recommendations in the matter.

(*ii*) Committee appointed to investigate the jute problem as affecting this Province.

(*iii*) Committee appointed to investigate the problem of improving Madrassa education in the Province and to make recommendations in the matter in due course.

(*iv*) Committee appointed to investigate the problem of improving primary and adult education in the Province and to make recommendations in the matter in due course.

(*v*) Committee appointed for enquiry into the working of the Chaukidari system throughout the Province of Bengal.

(*vi*) Committee appointed to investigate the rights of the tenants of non-agricultural lands in the Province and to make recommendations as to what can be done to protect the tenants from eviction at the will of the landlords.

(*vii*) Committee appointed to enquire into the incidence of rent in the Province and also into the existing law regarding reduction of rent and to make recommendations in the matter in due course.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would like first of all to explain the position, and I am taking an early opportunity of speaking, so that all the misapprehensions which may have been created in the minds of the hon'ble members may be removed with regard to the appointment of these Committees. I would also explain the principle on which these Committees have been appointed, but I hope, Sir, that the right of reply of Government will be reserved and another Minister will be allowed to speak—not myself but another Minister—to speak on behalf of Government in reply to the debates that have taken place. Now, Sir, it is a great pity that the hon'ble member who has moved this motion has not even taken the trouble to find out the facts before jumping to conclusions. Had he taken the trouble of reading the proceedings of the other House during the Budget Session he would have known that during the discussions on the Budget and during the sittings of the Assembly in the cold weather, from time to time, Government made definite promises to the Legislative Assembly to appoint Committees for investigating certain questions. One of those Committees was the Chaukidari Committee, and quite possibly here also, in answer to a question put, I remember to have announced that Government would appoint such a Committee, but I am sure, I am definite, that as far as the Assembly is concerned, in the course of the Budget discussions, Government promised to appoint a Committee to investigate the whole question. Similarly the Minister for Agriculture and Industries promised to appoint a Committee to investigate the question of jute and paddy. In the course of the Budget discussions the Minister promised to appoint a Committee to investigate the question whether compulsory restriction could be effected and whether there could be devised any other means for increasing the price of jute. Similarly, the two other Committees have been appointed which were promised in the Legislative Assembly.

Mr. LALIT CHANDRA DAS: What are those two?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that, Sir. One was paddy and the other, rent. These four Committees were promised, and owing to the fact that we could not complete all our investigations during the intervening period, these Committees could not be announced and Government was anxious that before the Legislature met again they would announce their Committees to give effect to the promises they had made to the Assembly. And this is the reason why these Committees were set up after notification in the *Gazette Extraordinary* on the 29th of July. I am sure Mr. Dutta now feels that he owes an apology to Government, if not for any one else, at least for the base insinuations which he has made, as to the reasons why these Committees were appointed on the 29th July and in a hurry. Similarly, Government during the cold-weather session had decided to appoint certain other Committees. Now I would like, before I deal with them, to explain the principle on which nominations have been made to these Committees. In the Committees that were promised by Government in the Assembly, Government asked the Leader of the Opposition to give them the names. The Chief Whip of the Opposition stipulated that they must have a certain percentage of representation on these Committees and Government agreed to give them that representation.

Mr. KAMINI KUMAR DUTTA: Not of the Council.

The Hon'ble Khwaja Sir NAZIMUDDIN: If the member will only have patience, he will have everything. And accordingly, the Leader of the Opposition sent in the names of the Opposition group, and so they have been nominated. The question that has arisen as far as this House is concerned, is whether adequate representation of this House has been given on these Committees. The principle which the Government want to enunciate is that when a Committee is promised in a particular House, whether it be the Assembly or the Council, that House, where the Committee is promised, or rather the members of that House, should be predominantly represented. Supposing it has been promised in the Council, then it will be the Council members who should have the predominant representation and *vice versa*. And therefore as most of these Committees, as far as I remember, were promised to the members of the Legislative Assembly, naturally predominant representation has gone to members of that body, but so far as the Government quota was concerned, the members of the Coalition Group have been included from this House. It was not possible to add to the members of the Opposition from this House, because naturally the percentage of the Opposition was decided upon and

the Leader of the Opposition sent in the names. I must confess to the House that apparently the attention of the Leader of the Opposition was not drawn to the fact that he could nominate the members of the Legislative Council as well, and I believe there is no doubt whatsoever—and I think, I am certain—that he must have been under the impression that we were asking for names of members of the Assembly only. So this is the position about those Committees which were promised in the Assembly. Now apart from this, Government have appointed, I believe, four or five other Committees which were not promised in the House, and in that Government feel that, as far as these Committees are concerned, they are not bound to give representation to any of the Houses at all——

Dr. RADHA KUMUD MOOKERJI: May I put a question to the Hon'ble Minister at this stage, Sir?

Mr. PRESIDENT: Yes.

Dr. RADHA KUMUD MOOKERJI: I want to know whether the Hon'ble Minister who has been speaking, has found any constitutional precedent for the principle that he has assumed, namely, where a Committee is promised in a particular House, that House only will have the right of predominant representation, and also why he cannot think that there is another constitutional view, viz., that the two Houses of the Legislature are organic parts of one entity. I think there should not be any hard and fast rule by which he can determine the proportion of representation as between the two Houses.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the usual practice so far as I know and speaking, subject to correction, in Parliament a committee appointed by the House of Commons should predominantly consist of members of the House of Commons and *vice versa* in the case of the House of Lords.

Mr. RANAJIT PAL CHOUDHURY: From all parties?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the principle I want to enunciate. Now as regards the other Committees, Government did not make any promise to the House about them. Regarding other problems on which they think they would like to have the advice of either experts or non-officials alone, or of officials and non-officials, Government are fully entitled to appoint a number of persons to deliberate, investigate, and give them their advice and I do not see how this discretion, this right of Government for obtaining the advice or assistance from a body of persons, can be questioned or restricted by anybody at all.

Mr. RADHA KUMUD MOOKERJI: My question is whether Government is entitled to exclude altogether one organic part of the Constitution from representation on any committee.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as long as it is not a Select Committee of the House, there can be no restriction on the choice of Government as to the individuals whom they should select for the purpose of getting their advice.

Dr. RADHA KUMUD MUKHERJI: I am not questioning about particular individuals.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am coming to that. I maintain, Sir, that as far as the question of the two Houses is concerned, there may be certain points which, for example, the Legislative Council may want to be investigated only by the members of the Council and they may not be prepared to have the members of the Legislative Assembly sitting with them to investigate that particular question. Does he want that, whatever may be the desire of the members of the Legislative Council, the members of the Legislative Assembly must sit with them to investigate their question? If that be not their desire and when it is possible for the Council to have a Committee of their own to investigate a particular question, then there is no reason why, when a Committee has been promised in the Assembly, they should not have the right to predominant representation or to exclusive representation on that Committee. That, as far as I can see, is perfectly clear and it will be injurious to the rights and privileges of the members of both the Houses if it were to be accepted that whenever a committee is appointed, there must be equal representation both of the Assembly and of the Council. I doubt very much whether it would be possible to maintain this principle throughout. Therefore, I have clearly explained the position as regards the Committees that were promised in the House. I have pointed out the principle underlying the appointment of other Committees. The question was that Government wanted to appoint a certain number of persons to advise them; they had made no promises in this House and they are entitled to select the people from whom they should obtain advice. On these two principles these Committees were appointed. I would like to repudiate emphatically the charge that these Committees were only appointed in view of the possibility of getting votes in the No-confidence motions. Every member knows that these Committees were promised, some of them in the House and some of them on question raised privately with the members of Government during the last cold weather session by the members of both the Houses. It is within their knowledge that Government had decided to appoint Committees to report on these questions in order to get some kind of advice not only

from the official source but also from non-officials who look at those questions from a different point of view. Government would like to see the result of the deliberations of the officials with the non-officials and what advice they give——

Mr. NARESH NATH MOOKERJEE: On a point of information, Sir. Will the Hon'ble Minister please explain whether he received the names from the Chief Whips of the particular groups in the Lower House? I find that there are names of certain members of this House in the Committees who belong to other groups. Were these names furnished by the Whips of the respective parties in the other House? And there is another point, Sir——

The Hon'ble Khwaja Sir NAZIMUDDIN: May I explain?

Mr. PRESIDENT: I must make it clear that you are not bound to answer all questions, because you must conclude your speech within fifteen minutes.

The Hon'ble Khwaja Sir NAZIMUDDIN: We asked the Leader of the Opposition to send us names from the Opposition group. That is all.

Dr. RADHA KUMUD MOOKERJI: Sir, I am afraid that the Hon'ble Minister's speech has not been able to clarify issues that have been raised. There are two issues involved which are of some constitutional importance. The first issue is whether in the formation of these Committees, as a result of resolutions or questions put in the other House, Government are to be guided by any principle whereby they should be bound to represent both the Houses in the composition of these Committees. The second issue is whether in the composition of such Committees all the parties within the Legislature should be fairly represented; thus there is here a question of double representation—representation of the House as a whole, and the representation of parties within the Legislature. Therefore I want to request the Government to throw more light upon those subtle principles on the basis of which they have been moving in the matter of the formation of important Committees dealing with the vital interests affecting the country.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, in view of what the Hon'ble Minister in charge of Home Department has said, I hope Mr. Dutta who probably did not know that these promises were made in the other House or probably he was misled by some people to think that this was done in connection with the vote of censure. I do request him to withdraw.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, I am afraid, the matter has been complicated by introducing incidents which occurred in the Assembly. Generally this House is not concerned with what happens in the Assembly and you have always directed us not to refer to matters which occurred in the other House. Well, the Hon'ble Minister has not made it clear whether his promises were voluntary or demanded by the Assembly. If it was voluntary, then the arguments which he has advanced—and although he made an attempt to take shelter behind the fact that the promises were made in the Assembly—do not hold good. On the other hand, if it was really demanded by the Assembly and extracted by the Assembly, then of course his arguments might be of some value, although this House has got to formulate its opinion on the merits of the case. We must also ascertain as to who are the proper men to advise Government on those Committees irrespective of parties and I think when the Hon'ble Minister has chosen some representatives from this House, it is immaterial for this House to know as to whether these promises were made in the Assembly or in the Council or the Committees were formed at the initiative of the Government without any interference on the part of the Assembly. I think you have allowed him to refer to matters which actually happened in the Assembly and I cannot help saying a few words with regard to the promises that were made there. All along their existence as Government they have shown a certain amount of partiality to the Assembly. They have not included anybody in their Cabinet from this House. They have not appointed a Leader of this House who could speak with competence on motions relating to the programme of this House and I think there is another act on their part which shows that they are absolutely callous about the legitimate demands and aspirations of this House. I shall not pursue that point, neither here nor there. I should like to say that when they have chosen men from this House, it was only meet and proper that the Hon'ble Minister should have considered the views of the Leaders of the different groups in this House. He should not have been guided entirely by the suggestions of the Leaders of the other House and I am sure if he had sought their assistance and advice, good advice would have been given and he would have been able to select men who inspire confidence in this House and who would have been suitable to represent the views of this House but he has not done that. I think, if it is not too late, I would advise him to do that. I would advise him to seek the advice of the Leaders of this House and try to add such members to the Committees which they have already formed as would be absolutely representative from the point of view of this House and I am sure Government will take this matter into consideration.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, I have heard the mover of the adjournment motion. I have also heard the Hon'ble

Minister. If I have been able to follow aright, the mover of the adjournment motion has related the grievances on certain grounds, namely, inadequacy of representation to the Committees from this House, non-representation of all the groups of this House, and indecent haste in the formation of the Committees just before the time when the No-confidence motions were tabled by the Opposition in the other Chamber. So far as the other points are concerned, the Hon'ble Minister has made an attempt to meet all those points and it lies with this House to say whether the replies made by the Hon'ble Minister are acceptable or not. But I feel exceedingly sorry on the point, namely, that these Committees have been formed just before the consideration of the No-confidence motion which means a very serious insinuation against the members who have been taken on the Committee. Does my friend, Mr. Dutta think that the members who have been taken in the Committee might have done anything against the Ministry if they had not been taken in the Committee or does he think that all the members who have supported the Ministry at the time by casting their votes—all of them have been taken in the Committee? Now in the same breath Mr. Dutta says that some officials have been taken as Presidents and Secretaries simply to write the report as if the members who have been taken in the Committee are illiterate and they cannot prepare their reports, as if some officials have been taken there only for the preparation of their reports. This is a very serious insinuation and I think that Mr. Dutta should withdraw it.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I do not wish to take the time of the Council unnecessarily. I shall only confine myself to one or two points. With regard to the well-known principle of accepting the percentage to form the number of Committees from various groups according to the strength of each group, I think the Cabinet ought to be able to select men to consider the Bills and other things for the consideration of the House, because if passed by the House, they become the voice of the House. In the formation of the Select Committee, therefore, the House should be represented in proportion to its respective strength. They should contribute proportionately towards the formation of the Committees which would represent the voice of the House. That principle is well-known and well-understood. But with regard to other Committees, their opinions or findings are not those of the House itself but they are there to advise and guide the Government. Government has a policy apart from the findings and decisions of the House itself. So Government has and should have, I submit, a certain amount of discretion in the matter of selecting advisory committees to formulate and guide its policy.

Mr. RANJIT PAL CHOUDHURY: Have they taken experts?

Khan Bahadur NAZIRUDDIN AHMAD: My hon'ble friend from the other side is an expert in interruption.

With regard to the two other distinct Committees I think they should be guided on different principles. One is to advise the Government and the other is to advise the House. With regard to principles applying in Canada and other places, the obvious difficulty for us in applying those rules here is this: that this House and these representative institutions are new organisations. We have got to start and form our conventions and then we can refer to them. I believe I am very poor in my knowledge of history. The Legislature in Canada was established, I believe, about hundred and fifty years ago and so the Canadians have been able to frame their own rules and establish their own conventions. Of course that is a very nice model, but we have got to start our own constitution and frame our own rules and conventions. There is one remark, Sir, of the Maharaja of Santosh which I am inclined to believe,—it is that the Government, i.e., the Ministers, have shown some kind of partiality towards the members of the other House. There is some justification in this comment. But the obvious difficulty of the Ministers is this—that the this House can be regarded as the elder brother and the other House as the younger.

Mr. NARENDRA CHANDRA DATTA: A dead brother!

Khan Bahadur NAZIRUDDIN AHMAD: Taking five brothers as the average for a family, you will find that only 20 per cent. of them form the elder brother and the younger brothers constitute about 80 per cent. I suppose the minds of members of this House have a historical background and from that background they can exercise pressure on the Ministers. It is a well-known characteristic of the younger brothers to cry for more even after they have got their due share and thus create trouble. The elder brothers being senior ones, are always neglected in favour of his junior brothers. Suppose, I am the elder brother and I have a younger brother; it is only natural that that brother will get a greater amount of attention from my parents and so on. So in these circumstances the younger brothers being more talkative and more assertive and, to a certain extent, more unreasonable, claims greater attention. It is the force of these circumstances which might have been behind these decisions, in the matter of appointing these Committees. But I am inclined to feel that this House is a very new House. Its utility is not yet fully understood. What I submit is, and I submit on behalf of all, that this House is not asserting itself greatly. It is not using its utility and so we are neglected.

Rai KESHAB CHANDRA BANERJEE Bahadur: Are you a younger brother or an elder brother? And how can an elder brother be ousted by the younger brother?

Khan Bahadur NAZIRUDDIN AHMAD: In claiming divisions of patronage from the parents—Ministers—collectively this House represents the elder brother and the other House the younger brother. I submit, Sir, that this House, from the very nature of its composition, is proving its uselessness, and I believe that in the history of Upper Houses they have always been so regarded as white elephants. In fact, they are proving quite unnecessary and a clog on the activities of popular Legislatures——

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of order, Sir. Is it pertinent on the part of a member of the Upper House to refer to it as a white elephant, and of which he himself is a component part?

Mr. PRESIDENT: Order, order. Khan Bahadur Naziruddin Ahmad will please proceed with his speech.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I was going to say that Upper Houses were gradually demonstrating their superiority.

I beg to submit, Sir, in conclusion that the Upper House should have enormous patience like elder brothers. They should wait and try to assert their influence more and more, and I have no doubt that in the end the Upper House will get more recognition from the Ministers and from everybody else. The decision of the Ministers cannot be influenced by any other consideration except that the Upper House is asserting itself.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM addressed the House in Bengali. The following is the English translation of his speech:—

Mr. President, Sir, I shall speak a few words in Bengali. We hear that Congress members taken on the Committees are very small in number. But I believe that it is enough even if a single Congress member has been selected from this House. For, how many Congress members are there among the members of this House? If the number of Congress members selected from here is insufficient, those selected from the Lower House are quite sufficient. Hence, this contention is without any foundation. Another point which has been urged is that in view of the coming No-confidence motion these Committees have been set up by the Ministry with the object of winning us over! Men speak exactly as they think. I believe that it is extremely derogatory

to the Hon'ble Members to insinuate that they will vote for the Ministry if any allurements of this sort are held out before them. A remark like this should, in my opinion, be at once withdrawn. What member is there that will be won over by the Ministry through allurements? Next, with respect to the fact that the number drawn from the two Houses has not been equal, I would like to say that it would have been better, had a few more members been selected from the Upper House. But they in the Lower House are 250 in number, while we are only 63. Considering the number of members selected from amongst 250 persons, has it been wrong that the number selected out of a total of 63 should be as small as it is?

A voice: The number of members selected is all right since you have been selected. For, you are a host in yourself!

Sir E. C. BENTHALL: Mr. President, Sir, after listening to the Hon'ble Minister's speech I should like to say that the party for which I am speaking is quite satisfied with the procedure for the appointment of the Committees referred to. I am also quite satisfied that our party has received two representations on all the Committees where we can usefully advise Government.

With regard to the suggestion of the hon'ble mover of this motion that these Committees have been appointed with indecent haste, it is pertinent to know that the appointment of the Jute Committee has been under discussion, to my certain knowledge, for many years. The Government gave their pledge to appoint such a Committee, I understand, during the last Budget Session, and it may interest the House to know that the leader of our party was asked to nominate members to the two Committees on July the 3rd. In my opinion, therefore, the accusation of indecent haste cannot be substantiated.

Sir, the hon'ble mover has stated that in his opinion the appointment of these Committees was a pure eye-wash.

Dr. RADHA KUMUD MOOKERJI: On a point of order, Sir,——

Mr. PRESIDENT: Order, order. A maiden speech is being delivered, and I hope the Leader of the Opposition will remember this and extend the usual courtesy to Sir Edward.

Sir E. C. BENTHALL: We regard, Sir, the matter differently. We regard the appointment of these Committees as an earnest of Government's intention not only to fulfil their pledge but also to get on with the work, and we are very pleased indeed to be able to co-operate with Government on these Committees and hope to be of some aid to them in the formulation of policy.

We are glad that these matters have come up for the consideration of these Committees, for in our opinion they are matters which should have the fullest consideration. Legislation concerning them should not be rushed through without the fullest examination of the problems involved, for they are intricate matters,—matters of practical importance to the welfare of all in the province. We consider, therefore, that Government are entitled to make full inquiry before framing legislation and that they are entitled also to expect full support from all quarters in this policy. Sir, we are glad indeed to see the Opposition co-operating with these Committees, but there is one point which somewhat puzzles me and that is while on the one hand the Opposition have co-operated to the extent of nominating members on some of these Committees, on the other hand they are bringing in this adjournment motion to express their disapproval of the method and procedure of appointment of members on these Committees. (Cheers.)

Dr. RADHA KUMUD MOOKERJI: Sir, I want to know whether Government formally asked the leader of the European Group in this House to name two nominees to serve on these Committees. I want a regular answer to this question.

Mr. PRESIDENT: Is there any Minister or any other member who may answer this question of Dr. Mookerji?

The Hon'ble Mr. H. S. SUHRAWARDY: Can I give a reply to this question and wind up the debate finally?

Mr. PRESIDENT: No, no. You can give a reply to this specific question only at the moment, or you can reply to it later on when you rise to reply finally to the debate.

The Hon'ble Mr. H. S. SUHRAWARDY: I will reply later on.

Dr. RADHA KUMUD MOOKERJI: So, in that case, Sir, I want to say something on this point.

Mr. PRESIDENT: The difficulty is that you have already spoken.

Dr. RADHA KUMUD MOOKERJI: I only want to put a question.

Mr. PRESIDENT: Under the Rules and Standing Orders you can speak only once. Some other member of the Congress Party, however, may raise that question.

Mr. NARESH NATH MOOKERJEE: Mr. President, Sir, we might have been prepared to accept to a certain extent the explanation that has been offered by the Hon'ble Minister, but the way he has been supported or rather given away by some of his friends on the other side, naturally makes us feel very suspicious. We certainly feel that there is more than what appears on the surface.

Sir, in the first place, I feel very much aggrieved that our questions have not been answered by the Hon'ble Minister. Well, that does not really matter, Sir. But the explanation offered by the Hon'ble Minister has been really divided into two sections. One is an explanation based on the fact that the promise was made by the Ministers in the other House, and because the Committees were formed for that House, therefore the predominance of members on those Committees must be from there. In spite of that, Sir, we find that there is a sprinkling of members of this House to the various Committees and there is not one member of the Congress Group or of the Progressive Group on some of these Committees. The next point that he has taken up, Sir, is that there are four other Committees formed by the Government themselves on their own initiative without any appeal or demand from the other House. In the case of these Committees, Sir, Government has used its own discretion, and in using such discretion, it has thought fit to omit altogether the members of the Opposition. I would like to know from the Hon'ble Minister whether he conscientiously feels that members of the Opposition, or rather the members of the Congress Group, have no right to any representation on Committees which are going to discuss such important matters, as for instance, improvement of primary and adult education in Bengal.

Sir, we on this side of the House do not wish to pray for patronage or feel aggrieved, because we have not been included in the distribution of loaves and fishes, but the question is this and I would like definitely to put this before this House; whether the Cabinet feels that the Congress Group which is an important group in this House and which carries the confidence of the people of Bengal, in fact to the same extent as any group in this House, if not to a greater extent, is entitled to have any say in the recommendation and in the decision that may be arrived at with regard to very important matters that may be dealt with in these Committees. Sir, I would also like to ask the Hon'ble Ministers as to why the leader of the European Group was asked and singled out to offer names from his Group in the Committee and why the Leader of the Opposition was not consulted in a similar capacity. Sir, what is the real significance of this omission? I dare say that the answer will be forthcoming or perhaps it may be said that the question is not worth answering, but I would certainly insist on the answering of the question as to whether he

definitely feels that the Congress Group in this House or in the other House can be well left out of important Committees of this nature and, if it is so, why?

Mr. KADER BAKSH: Sir, it is very much gratifying to see the anxiety on the part of the Opposition to co-operate on these points, an anxiety to serve as members of these Committees; but now from the attitude which they have taken, I am satisfied and I am confirmed in my views that their attempt from the very beginning has been to criticise without placing before the House any concrete proposal for any improvement. They only know to destroy and not to construct. I think I can cite instances on this point. When the Bengal Tenancy (Amendment) Bill, 1938, was being discussed on the floor of this House, clause by clause, my friends on the opposite who always spoke about the amelioration of the condition of the peasants, opposed very vehemently the very important clauses of the Bill which came before the House and which were meant to improve the condition of the teeming millions in the interior of the country.

Some members of the Opposition: Question!

Mr. KADER BAKSH: Now if the Government after this attitude on the part of the Opposition have not taken them as members of the Committees, they have done nothing wrong, because instead of trying to construct they will try to destroy. They will follow a policy of destruction. I think it is better for the Government and also for the public that they have not been taken.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I would request the hon'ble mover of this amendment not to press it, because it appears from the attitude taken by the Government that the Committees they have appointed are more or less their domestic affair. I am concerned with the matter which has been caused by the extraordinary haste in that five *extraordinary gazettes* were issued in the course of seven days and the magnificent part of it was the extraordinary circumstances under which the name of a member was also corrected by another extraordinary issue. Why was that haste, the Hon'ble Minister has not told us. Why was it necessary that everything should be completed by a certain date? Was it due to the fact that they were going to sit immediately after the Committees were appointed and gazetted so much so that even the name of one of the members of the other House was removed and replaced by a gentleman of the same House? Is it because that one of the members has been already selected for two Committees and the other one has been altogether left out and therefore to equally distribute the patronage his name was put in place of the other by another extraordinary issue?

Certainly that is a concern for us, because it affects the public finance inasmuch as a large number of *gazettes* had to be sent out by post and the postal revenue goes to the Government of India. Therefore, it affects us in this manner. So far as the question of distribution between this and that House is concerned, so long as the majority of our members do not want to raise any question affecting this aspect of the case, which may be displeasing to the Government, it is useless to make a grievance against the Government. Therefore, it is no good for us, for a small minority of us, to press for the right of the House and it will remain so as long as the majority of the House do not want to have themselves respected in the counsels of the Government. Therefore, so far as the respective divisions in the two Houses are concerned, the quarrel should not be presesd any further.

As regards another plea which the Hon'ble Minister has put in that the representation has been given more in favour of other House than this House, because the Committees have been promised in the other House, it may be said that one Committee at least was promised in this House—I mean the Jute Committee. In that Committee twelve members have been taken from that House and two from this House. That shows that even the principle that he has himself enunciated has not been acted upon. It is a great reflection upon members if anybody thinks that the Committee members were being thus bribed to cast their votes in favour of Government. I should say that members of the Government have cast a reflection on the members of the Committee in thinking that their votes will be cast in their favour simply because these members have been appointed to these Committees.

Another point regarding delay. If I remember aright, these promises were made in February, five months ago. Nobody thought of appointing these Committees and the Hon'ble Minister says they could not complete investigation that was necessary, to find out who would sit on which of the Comimittees. One thing is certain, that some of the Committees' are to deal, if at all, with subjects which require special qualifications. Experts were not appointed, no person with a special knowledge on the subject is on these Committees. I agree with the Hon'ble Minister that illiterate persons have not been taken. I have seen them writing and signing their names, so they certainly cannot be called illiterate. But that is no answer, why the subject matter was not kept in view while selecting members. Therefore I would request my friend not to proceed with this motion in view of what has happened.

Mr. LALIT CHANDRA DAS: Sir, I will be brief. It appears from the statement of the Hon'ble Minister in charge of Home Department that he is accusing my friend Mr. Kamini Kumar Dutta for having stated that it gave an ugly look to these Committees as they

were formed just on the eve of, the No-confidence motions. It also appears from his statement that promises were made so far back as March 1938 and this is August. What was he doing during these six months? In March he promised Committees for enquiring into the *chaukidari* system and the price of paddy as well as of jute and for enquiring into the incidence of rent and how to reduce the same. These were the four Committees he promised in March but two more Committees have been appointed consisting of twenty-eight members. The last two Committees were not promised. If really it was not a case of judicious distribution of patronage among the hon'ble members of the Legislature on the eve of the No-confidence motions, I fail to understand why these Committees were not announced in the ordinary way in the *Calcutta Gazette*. Why were they announced by *Extraordinary Gazettes*? It will appear from the date in the *Gazette* that one of the Committees was appointed on the very day the Assembly met, that is on the 29th July, and that Committee was to enquire into the incidence of rent in the province and also into the existing law dealing with reduction of rent. I ask again why on the day previous, i.e., 28th July, an *Extraordinary Gazette* was issued appointing a Committee for the purpose of enquiring into the *chaukidari* system? I find again that on he 27th July an *Extraordinary Gazette* was issued appointing another Committee for the purpose of enquiring into the Madrassa education and for enquiring into the problem of improving primary and adult education in the province. All these give an ugly look and show that an extraordinary situation was going to be met by the issue of *Extraordinary Gazettes*. There is no reflection on the honour and capacity of the hon'ble members of the Legislature but the point is whether from the standpoint of Government the issue of *Extraordinary Gazettes* on the eve of the momentous sitting of the Legislature wherein the No-confidence motions were brought in, is justified. As a matter of fact Government could, if they liked, appoint a Committee to deal with Madrassa education or a Committee to deal with primary and adult education or the other Committees by announcement in the *Gazette* in the month of April or May or even in June. But it appears that the thing was done in great haste. On the 29th July the Committee to enquire into the Madrassa education was appointed and it has not been given any time-limit within which to submit its report and no President has been appointed to preside over its deliberations. Similar is the case with the Committee for improving primary and adult education; no time-limit is given for the submission of its report and no Chairman has been appointed to preside over it. This shows nothing but haste; this shows an indecent haste on the part of Government and I support the allegation of Mr. Kamini Kumar Dutta that this must have been done with a purpose. In these Committees seventy-two members have been taken in and of these seventy-two, fifty belong to

the Coalition Group, the supporters of Government, seven members of this House have been taken in and my friends Khan Bahadur Nazir-uddin Ahmad and Khan Bahadur Ibrahim who now oppose the adjournment motion, are two of them.

In any view of the matter out of seventy-two members only seven have been taken from this Council, quite ignoring the Progressive Party as well as the Congress Council Party. However, I should think this to be only a minor matter—how many have been taken and how many and who have been left out. The urgency of the matter, viz., the representation of the Council on these Committees, is not such as to be brought in the form of an adjournment motion. After all these Committees have been formed on the eve of a momentous session of the Legislature. A proper explanation is necessary no doubt, and if suspicion rests upon Government that it was done with an ulterior motive, viz., a judicious distribution of patronage to meet the No-confidence situation. I do not think that my friend Mr. Kamini Kumar Dutta can be blamed for it.

Then, again, there is another very important matter to be considered. Committees are generally appointed for the purpose of shelving inconvenient issues and with a view to stopping public agitation. Now, Sir, so far as the *Chaukidari* system is concerned, there has been an insistent demand in the country that *chaukidars* and *dafadars* should be taken away from the control of the Police and that they should be made amenable to the control of the Union Boards—

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. May I suggest that it is irrelevant here to go into the merits of the '*Chaukidari* Committee'? That was the subject-matter of another motion.

Mr. PRESIDENT: I am afraid the motion is a very wide one. It relates to the appointment of several Committees by the Government and to the policy and procedure adopted as regards representation on these Committees. Yes, Mr. Das.

Mr. LALIT CHANDRA DAS: Sir, as a matter of fact so far as the appointment of Committees is concerned, the present Government has followed only the bureaucratic principle of appointing Committees in order to avoid the discussion of important issues, the solution of which is insistently demanded by the people of Bengal, viz., the revision of the *Chaukidari* system and the transfer of control of *chaukidars* and *dafadars* from the Police to the Union Boards, now and forthwith.

Then, Sir, there was an insistent demand as regards the pay and prospects of *chaukidars* and *dafadars*, viz., that so far as the pay is

concerned, it should be borne on the provincial revenues and the tapping of Union Board funds for this purpose should be stopped so as to release that money for the good of the rural population. Unless it be to avoid these real and important issues being solved without delay, which can as well be decided by the Council of Ministers in their private meetings, what was the necessity for a Committee to be actually appointed?

Then, again, Sir, I will refer to the Committee appointed for improving the price of jute and paddy and for investigating jute problems affecting the province. There has all along been an insistent cry that the area of jute cultivation should be restricted, and that a minimum price for this commodity be fixed. I should say that in order to avoid this real issue being immediately carried into effect by means of legislation and by other methods, the Government has taken to dilatory tactics, the method of appointing a Committee for the purpose of shelving the issue so that this matter, which apparently causes inconvenience to Government, may not be pressed by members of the Legislature, in quick succession. Hence I submit, Sir, that this Committee to investigate the jute problem has been started accordingly.

Now, Sir, there is also insistent demand to raise the price of paddy, but, Sir, the price of paddy depends, to a very large extent, on the price of jute, which is the most important money-yielding crop of Bengal, and I submit, Sir, that as such the area of jute cultivation should be restricted and the price of jute should be fixed, with which is linked the price of paddy too. With the rise in the price of jute there will be an automatic rise in the price of paddy as well and all other commodities.

So in order to shelve all these important issues which call for immediate action, Committees have been appointed which will report by the 31st March, 1939. So it is clear that these Committees will work for more than six months and move from place to place entailing expenditure, draining the revenues of the poor people of Bengal. Now, when these Committees will report at last, there will be further consultations over their recommendations and then, Sir, attempts will again no doubt be made for shelving the matter, so that there is no likelihood of the question of jute ever coming up for the consideration of this House before another two years; for whenever the question is raised, it will be very easily pointed out by the Hon'ble Ministers, "Well, there are Committees appointed to go into the question; wait patiently till the report of the Committee arrives". I once again submit, Sir, that these Committees have been set up to evade the immediate solution of the issues which loudly call for solution.

Then, Sir, there are other Committees, e.g., the Committee for Madrassa Education. We find that there are thirteen gentlemen on this Committee whose names have been published in an extraordinary

issue of the *Calcutta Gazette* of the 27th July. Unless, Sir, it was the intention to put off this question also, what was the necessity of this Committee at all? Here, too, no President or Chairman has been appointed to preside over the deliberations, and no time-limit has also been fixed as to when the report should be submitted. The fact that no President or Chairman has been appointed for this Committee as well as for the Committee to improve primary and adult education in the province clearly shows, Sir, a want of *bona fides* on the part of Government and their anxiety to have an judicious distribution of patronage, because, Sir, these Committees were never promised in March last.

Lastly, Sir, I shall refer to the Committee appointed for enquiring into the incidence of rent, etc., in the province and also into the existing law regarding reduction of rent and to make recommendations in these matters. Now, Sir, in this also, I fail to see that any time-limit has been fixed for the submission of report. What has been stated is that the Director of Land Records and Surveys, Bengal, will also act as Secretary, ex-officio, to the Committee. Here, however, the Chairmanship has been announced, and the Chairman will be no other person than the Member of the Board of Revenue, but no time-limit has been given as to when to report, so that they may merrily go on sitting from day to day and reporting at their leisure and pleasure.

Mr. PRESIDENT: The hon'ble member must conclude now.

Mr. LALIT CHANDRA DAS: May I have one minute more, Sir?

Mr. PRESIDENT: No, the President has no discretionary power to grant more time.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: He promised to make a brief speech, Sir!

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I have very little to add to the informations which were divulged by the Hon'ble Home Minister—not the explanations that were offered—but just the informations divulged to the members on the Opposite Benches as to how and why these Committees came to be formed. But in spite of those informations, it would seem that the hon'ble members still like to harp on the same old theme, for instance the hon'ble member who has just sat down is still unable to realise why these Committees were announced before the 29th of July. They were announced, it has been definitely stated, because we had promised the hon'ble members of the other House that these Committees would be announced before the Assembly sat again. There were some preliminary investigations necessary to be taken up. We had first of all to make

up our minds as to what should be the constitution of these Committees and how the members from each party would be taken in. We had then to consult the various whips of the various parties as regards the personnel and they took their own time. They had to ask their party members and even to convene their own meetings before they could send us the names. Then Government had also to consider the terms of reference. All these took time. We have done our level best. We expedited the matter in order that we might be able to fulfil our obligations. Now, if it had to be done by an *Extraordinary Gazette*, it had to be done before the 29th July, namely, before the Assembly sat; otherwise, we would have been charged by them for having failed in our duty, and not having carried out our promise. Now, I do not wish to go into the question as to why the delay occurred. I think that blame may be apportioned fairly between all parties. Perhaps I may be able, if necessary, to show the dates to the hon'ble members if they desire to see them to prove that some of the whips delayed in answering our queries and sending the names of their members. Had they done so earlier——

Dr. RADHA KUMUD MOOKERJI: Whips of which parties? Whips of the Congress Party?

Mr. KAMINI KUMAR DUTTA: And of which House?

The Hon'ble Mr. H. S. SUHRAWARDY: So far as that is concerned, we have not yet made any difference between Congress parties of this House and of the other House. There are two Houses it is true, but we have always considered the members of both as constituting one single party. I take it that the Leader of the Opposition of this House is as well a member of the Congress Party as the Leader of the Opposition of the other House is. We have not divided up the Congress Party into two groups in the same way as we have not divided the Europeans into two groups or the Coalition Party into two groups——

Dr. RADHA KUMUD MOOKERJI: Why was the leader of the European Group of this House consulted?

The Hon'ble Mr. H. S. SUHRAWARDY: The leader was not consulted in his capacity as the leader of the European Group of this House.

Dr. RADHA KUMUD MOOKERJI: Consulted according to his own statement.

Sir E. C. BENTHALL: Sir, may I submit one point? The leader of the European Group in this House was consulted not as the leader of the Group but as an ordinary member of this House.

The Hon'ble Mr. H. S. SUHRAWARDY: I thank Sir Edward Benthall for coming to my aid because that is what I was myself trying to instil in my own manner in the minds of the gentlemen opposite, that it is the leaders of the various parties that we had consultation with and not the leaders of the various groups of the Houses—

Dr. RADHA KUMUD MOOKERJI: This is an unheard of principle just now enunciated by the Hon'ble Minister.

Mr. PRESIDENT: I should like to ask one question. What about the Progressive Party? I believe they have no counterpart in the other House.

The Hon'ble Mr. H. S. SUHRAWARDY: We are unable, Sir, yet where to place the Progressive Party—whether they belong to this side of the House or to the other side of the House, is still a matter of dubiety. Consequently, Sir, there are some parties that are unable to place themselves properly and they fall between two stolls by trying not

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, I take the strongest possible exception to the remarks which have just now fallen from the Hon'ble Minister. What does he mean by referring to us as "falling between two stolls"? If he wants to see more firmness on our part he will see it very soon. (Cries of "hear" "hear".)

The Hon'ble Mr. H. S. SUHRAWARDY: I hope the hon'ble member, the leader of the Progressive party, always acts according to his conscience and according to the dictates of his wisdom, and there is no question at all either of firmness or want of firmness on the part of his party. If the hon'ble member suggests by "firmness" opposition to Government, well, that is not in the vocabulary that we are used to. By "firmness", Sir, we mean following a code of conduct which is commensurate with right principles, and I trust that so far as the leader of the Progressive party is concerned, he will not deviate from the path he has set before him. But, nevertheless, it is difficult to ascertain whether we should call him a member of the Opposition, or classify him as a member of the Coalition party. I hope I have satisfied the House that there has been

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I say I do not belong to the Coalition party and I do not intend to do so?

The Hon'ble Mr. H. S. SUHRAWARDY: I think I have satisfied the House that there has been no extraordinary haste in the matter.

Before coming to the remarks of the last speaker I should like to refer or rather not to refer to certain questions that have been put to Government by Mr. Hamidul Huq Chowdhury. I think that his speech has been charged with so much venom, hostility and insinuation that I will rather not reply to a single question put by him.

The last speaker raised the question of the formation of Committees and concluded that these Committees were started for the purpose of shelving the issues. I should like to inform him that that has never been the purpose of Government and that there are certain matters, certain questions which affect so many interests that it is necessary before arriving at a conclusion to take stock of the situation and by means of Committees to survey before running to a hasty decision. I know there has always been pressure on the part not only of members of the Opposition but on our own part also, a pressure dictated by a desire to set matters right as early as possible, to hasten legislation and to hasten acts but it has been found that hasty legislation and hasty acts had led to certain errors for which we may have to repent at leisure.

I have no particular desire to refer to Legislatures of other provinces but hon'ble members who belong to a particular party which has no representative in other Legislatures will realise that even so far as this Government is concerned, it has formed far less committees and far less bodies of investigation than the other provinces have done. In practically all matters on which we could have given decision on files, other provinces have appointed committees and I take it they have not done the thing for the purpose of shelving the matters but for the purpose of coming to a decision after investigation of all sides of the problems. I hope we shall have on the formation of committees such co-operation from all members of the House, when Government thinks it necessary to form committees for the purpose of investigation of certain problems.

One thing more and I have finished. For the formation of committees we have in most cases to depend on the discretion of Government. I am sure that the hon'ble members will not consider that the committees, for instance the Committees Government appoint for the purpose of selecting candidates for the Indian Police or the Bengal Civil Service or the Committees for the admission of students into various institutions, should have representatives of both the Houses and of all the parties. Government has to choose and consider other points and select men whom it considers suitable.

In these circumstances I hope the hon'ble mover who has moved this motion will withdraw it.

Mr. PRESIDENT: The question before the House is that the House now do adjourn its business for the purpose of discussing a definite matter of urgent public importance, namely:—

(*a*) The appointment of under-mentioned several Committees by the Government of Bengal and the policy and procedure adopted in connection therewith:—

(*i*) Committee appointed to investigate the problem of improving the price of paddy and rice as affecting the Province and to make recommendations in the matter.

(*ii*) Committee appointed to investigate the jute problem as affecting this Province.

(*iii*) Committee appointed to investigate the problem of improving Madrasa education in the Province and to make recommendations in the matter in due course.

(*iv*) Committee appointed to investigate the problem of improving primary and adult education in the Province and to make recommendations in the matter in due course.

(*v*) Committee appointed for enquiry into the working of the Chaukidari system throughout the Province of Bengal.

(*vi*) Committee appointed to investigate the rights of the tenants of non-agricultural lands in the Province and to make recommendations as to what can be done to protect the tenants from eviction at the will of the landlords.

(*vii*) Committee appointed to enquire into the incidence of rent in the Province and also into the existing law regarding reduction of rent and to make recommendations in the matter in due course.

The House divided:—

AYES—19.

Bose, Rai Bahadur Manmatha Nath.
Chakraverti, Mr. Shrish Chandra.
Choudhury, Mr. Moazemali.
Chowdhury Mr. Hamiqul Huq.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Datta, Mr. Narendra Chandra.
Datta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Ray Chowdhury, Maharaja Sir Manmatha Nat of Santosh.
Sanyal, Mr. Sachindra Narayan.
Sarker, Rai Sahib Indu Bhusan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES—32.

Ahmad, Khan Bahadur Naziruddin.	Hossain, Mr. Latafat.
Ahmed, Mr. Mesbahuddin.	Hossain, Mr. Mohamed.
Ahmed, Mr. Nur.	Huq, Mr. Syed Muhammad Ghaziul.
Baksh, Mr. Kader.	Ibrahim, Khan Bahadur Maulvi Mohammad.
Barua, Dr. Arabinda.	Jan, Alhaj Khan Bahadur Shaikh Muhammad.
Benthall, Sir E. C.	Karim, Khan Bahadur M. Abdul.
Chowdhury, Khan Sahib Abdul Hamid	Khan, Maulana Muhammad Akram.
Chowdhury, Mr. Khorshed Alam.	Lamb, Mr. T.
Chowdhury, Mr. Humayun Reza.	McFarlane, Mr. J.
Chowdhury, Khan Bahadur Rezzaqui Hajder.	Molla, Khan Sahib Subidali.
Cohen, Mr. D. J.	Momin, Begum Hamida.
D'Rozario, Mr. K.	Rahman, Khan Bahadur Ataur.
Elahi, Khan Bahadur S. Fazal.	Rahman, Mr. Mukhlesur.
Ferguson, Mr. R. W. N.	Rashid, Khan Bahadur Kazi Abdur.
Haidar, Nawabzada Kamruddin.	Roy Chowdhury, Mr. Krishna Chandra, O. B. E.
Hosain, Khan Bahadur Saiyed Muazzamuddin.	Singh Roy, Mr. Saileswar.

The motion was lost.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I suggest that the House be adjourned now?

The Hon'ble Mr. H. S. SUHRAWARDY: May I move a motion?

Mr. PRESIDENT: Yes, you may.

GOVERNMENT RESOLUTION.

Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have the honour to give notice that I desire to move on the 12th August, 1938, the following resolution in accordance with the provisions of section 103 of the Government of India Act, 1935, viz.:—

That this Council do resolve that it is desirable that—

(1) trade and commerce within the province in drugs and medicines;

(2) the production, supply and distribution of drugs and medicines;

(3) the adulteration of drugs and medicines;

(4) fees in respect of the matters mentioned in clauses (1) to (3);

(5) inquiries and statistics for the purpose of the matters mentioned in clauses (1) to (4);

(6) offences against laws with respect to the matters mentioned in clauses (1) to (5);

(7) jurisdiction and powers of courts with respect to the matters mentioned in clauses (1) to (6);

which are among the matters enumerated in the Provincial Legislative List, should be regulated in this Province by an Act of the Federal Legislature.

Mr. NARESH NATH MOOKERJEE: Sir, will it be possible to circulate all the relevant papers between now and the 12th of the current month?

Mr. PRESIDENT: If there is any formal objection, then we shall have to reconsider about the date. Is there any opposition to the 12th being fixed for discussion from the Congress Party?

(There was no objection from the Congress members.)

The Hon'ble Mr. H. S. SUHRAWARDY: There is no paper, Sir, except this notice. This is a formal notice. The Government of India desires, before it can undertake legislation on these matters, that both the Houses of the Legislature should express their willingness to co-operate before it can take up this matter. The notice, as framed, has been sent by the Government of India to all the Legislatures throughout India, and I hope hon'ble members will realise the urgency of the matter.

Mr. PRESIDENT: May I take it that there is no serious objection as regards this matter being taken up on the 12th?

(There was no objection.)

As I find there is no objection, I fix the 12th of August next for the discussion of this matter.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I suggest that the House be now adjourned?

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. on Thursday the 11th of August.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 11th of August, 1938.

Members absent.

The following members were absent from the meeting of the Council held on the 10th August:—

(1) Esmail, Al-haj Khwaja Muhammad.
(2) Khan, Khan Bahadur Muhammad Asaf.
(3) Mukherji, Rai Bahadur Satis Chandra.
(4) Ormond, Mr. E. C.
(5) Roy, Rai Bahadur Radhica Bhusan.
(6) Shamsuzzoha, Khan Bahadur M.

B. G. Press—1938-39—6171A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 11th August, 1938, at 2-15 p.m., being the third day of the Second Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Sugar Industry in Bengal.

24. Mr. NARENDRA CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Government of Bengal submitted any memorandum to the last Sugar Tariff Board giving their views about the position of sugar industry in Bengal?

(*b*) If so, will the Government be pleased to lay a copy of this memorandum on the table for the information of the members?

(*c*) Did the Government consult the various sugar mills in Bengal before submitting their memorandum before the Sugar Tariff Board?

(*d*) If not, will the Government be pleased to state the reasons for not doing so?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) No. This Government sent answers to the questionnaire for local Governments.

(*b*) to (*d*) The questions do not arise.

25. Mr. NARENDRA CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that a deputation of the sugar mill owners of Bengal waited on the Hon'ble Minister some time in June last year, and submitted a memorandum on their behalf?

(*b*) Is it a fact that the said deputation prayed for the appointment of a Special Committee to investigate into the present position of this industry in Bengal?

(*c*) If so, will the Government be pleased to state the reasons for the delay in the appointment of the said Committee?

(*d*) If the Government do not consider it desirable to appoint such a Committee, do Government propose to appoint a Special Officer, having experience in sugar industry in Bengal, to make a detailed survey of this industry and to submit a report thereon? If not, why not?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) and (*b*) Yes.

(*c*) I was waiting for the report of the Tariff Board, but that report has been so long delayed that I am considering the appointment of a Sugar Committee without waiting for the report.

(*d*) The question does not arise.

Certain Home Industries.

26. Khan Bahadur ATAUR RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that two of the most important home industries, namely, oil pressing by *ghani* and rice husking by *dheki*, are dying out in Bengal?

(*b*) Is the Hon'ble Minister aware that a large section of the rural population was maintaining themselves by these indigenous industries and supplying wholesome foodstuff to others?

(*c*) Is the Ministry taking any steps to protect these industries by legislation?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) and (*b*) Yes.

(*c*) I have under my consideration a scheme for a general industrial survey and also a scheme for a survey of the oil-seed crushing industry of the province. The revival of the two industries in question is one of the objects of the former survey and the revival of the oil pressing by *ghani* industry one of the objects of the latter survey.

Inconvenience of Noakhali-Calcutta passengers.

27. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) whether the Government is aware that much inconvenience is felt by Noakhali-Calcutta passengers owing to untimely arrival of the mail train at Noakhali at midnight; and

(*b*) whether the Government is considering the desirability of asking the Railway and the Steamer authorities, specially Assam-Bengal Railway authorities, to make necessary arrangements which will enable the passengers to reach Noakhali before II p.m. instead of at 1-30 a.m.?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar): (*a*) The inconvenience, if any, is unavoidable on account of the distance, the long steamer journey and the changing of trains at Laksham junction. But there is an alternative train *via* Mymensingh which reaches Noakhali at 8-35 p.m.

(*b*) The Railway have already reported that there is no possibility of a material change in the timings.

Escape on the Gumti river.

28. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether in view of the reply of the Government to clause (*k*) of my question No. 62 of the September Session of the Council in 1937, stating that escape on the Gumti embankment with the object of disposing of a portion of the flood will be provided, sufficient time has not elapsed to implement the promise implied in that answer and whether any escape has been provided as yet?

(*b*) Did the Government make any provision in the last budget to carry out this project? If not, why was it not done?

(*c*) Is it a fact that two plans of escapes have been duly prepared by the local authorities and placed before the Government for final sanction and action?

(*d*) If the answer to clause (*c*) is in the negative, do Government propose to take immediate steps to take up the work of the escapes by next winter and finish it by the end of April, 1939?

(*e*) Is it a fact that the question of the Gumti embankment and Gumti flood has been before the Government for the last quarter of a century?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) No.

(*b*) No, because the scheme did not mature then.

(*c*) No; the estimate is under preparation by the departmental officers.

(*d*) It will not be possible to take up and finish the construction by the end of April next.

(*e*) I cannot exactly say.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state as to whether this question is hanging fire approximately for the last twenty years or so?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I have not made a historical study of the question.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it would be possible for Government to promise that the work will be taken up, if not finished, before the end of the year?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: As will appear from the answer, estimates are under preparation. The field work had already been finished in May last. Plotting, etc., are nearing completion. We hope that the estimates will be ready by the next cold weather and then the work is expected to be taken up.

Mr. HUMAYUN KABIR: With reference to clause (*e*), is the Hon'ble Minister aware as to whether the question has been before Government for a century?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Government is not aware of that.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state who is then aware of it?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I believe, the questioner himself.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the work will be taken up in the winter season? It may not be finished but I want to know when the work will be actually taken up?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: As I have said, we expect that the estimates will be ready by the next cold weather and in all probability we expect to take up the work within this financial year.

29. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if the Government is aware of the immense damage caused to crops and lives by annual breaches in the marginal embankments of Gumti river in Tippera?

(*b*) What steps, if any, do Government propose to take to prevent such breaches and when do Government propose to put into action any such step contemplated?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) Breaches occur almost annually and some damage is caused to crops. I am not aware of any loss of life.

(*b*) The preparation of an estimate for the construction of two escapes on the Gumti embankment has been taken up by departmental officers. The question of construction will be considered on receipt of the estimate.

Dacca Medical School Enquiry Report.

30. Rai MANMATHA NATH BOSE Bahadur (on behalf of Rai Satis Chandra Mukherji Bahadur): Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the report of Mr. Tyson regarding the Dacca Medical School Enquiry will be published? If so, when? If not, why not?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): It is not proposed to publish Mr. Tyson's report as in my opinion it will not be in the public interest to do so.

Extra and temporary establishments in the Registration Department.

31. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Education Department kindly explain clearly the distinction between extra establishment and temporary establishment of Government in the Registration Department?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact that Government takes 8 annas per page as copying fee from parties and pays 2 annas per page of 300 words to extra copyists of the Calcutta Registration Office and 1 anna 6 pies to extra copyists of the District and Sadar Registration Offices, for both copying and comparing?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state why the copyists are so poorly paid?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Minister in charge of the Education Department: (*a*) Extra establishment refers to outsiders employed at piecework rates to cope with additional work while temporary establishment includes men employed temporarily on fixed rates of pay. Both kinds of employees, however, are paid from the same budget head.

(*b*) Yes.

(*c*) This is considered to be an adequate and economic rate of remuneration for the work done by them.

Muhammadans in the Calcutta Police Force.

32. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the respective number of Hindus, Muhammadans, Europeans and Anglo-Indians serving as Deputy Commissioner, Assistant Commissioner, Inspector, Sub-Inspector and Head Constable in the Calcutta Police Force;

(*b*) whether any percentage of posts is fixed for Muhammadans in the Calcutta Police; and if the number of Muhammadans is below the percentage, what steps are being taken by the Government to raise the number to the percentage so fixed; and

(*c*) if no percentage is fixed as yet, whether it is under the contemplation of the Government to fix the percentage of posts for Muhammadans in the said Calcutta Police Force?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) A statement is laid on the table.

(*b*) In the Calcutta Police direct recruitment is only made in the ranks of Sub-Inspector and Constable. Vacancies in other ranks are filled by promotion.

Of the total number of appointments in the rank of Sub-Inspector a minimum of one-third is filled by Muhammadans. No definite percentage of recruitment is at present fixed for Muhammadans in the rank of Constable. The matter is however under consideration of Government.

(*c*) Does not arise.

Statement referred to in the answer to question No. 32, showing the number of Hindus, Muhammadans, Europeans and Anglo-Indians serving as Deputy Commissioners, Assistant Commissioners, Inspectors, Sub-Inspectors and Head Constables in the Calcutta Police Force as it stood on the 31st December, 1937.

Rank.	Hindus.	Muhammadans.	Europeans.	Anglo-Indians.	Indian Christians.	Total.
Deputy Commissioners.	1 (offg.)	1 (Addl.)	5	..	1 (offg.)	8
Assistant Commissioners.	4	2	2	1	1	10
Inspectors ..	26	9	18	12	..	65
Sub-Inspectors ..	68 *plus* 4 Jamadars of C. A. P.	38	..	6	..	116
Head Constables ..	322	101	..	..	..	423

Mr. NARESH NATH MOOKERJEE: It will be found from the schedule attached below that there are 322 Hindu Head Constables and 101 Muhammadan Head Constables. Will the Hon'ble Minister be pleased to state how many of them are Bengalees?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that this does not arise out of this question.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister be pleased to state whether he has got any scheme in contemplation about recruiting Head Constable and policemen from among Bengalees?

The Hon'ble Khwaja Sir NAZIMUDDIN: I again submit that this does not arise out of this question.

Manufacture of power alcohol.

33. Mr. NARENDRA CHANDRA DATTA: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware of the appointment of a Special Committee by the Governments of United Provinces and Bihar to investigate into the possibilities of producing power alcohol from molasses?

(*b*) If so, has the attention of the Government been drawn to the recommendations of this Committee stating that production of alcohol from molasses is economically feasible in United Provinces and Bihar?

(*c*) Do the Government desire to investigate into this question of producing power alcohol from molasses in Bengal?

(*d*) If so, what steps do the Government contemplate to take in this direction?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) and (*b*) Yes.

(*c*) The output of molasses in Bengal is not at present sufficiently large to warrant investigation by a Special Committee.

(*d*) This question does not arise.

Railway crossing near Bogra station.

34. Khan Bahadur MOHAMMAD IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the railway line passes through the heart of the Bogra town;

(*ii*) that the first level crossing gate is about half a mile off from the railway station; and

(*iii*) that the people living nearabout the opposite side of the station find it difficult to come through the said gate situated about a mile distant from the station?

(*b*) If so, does the Hon'ble Minister propose to move the Government of India for the removal of those difficulties and inconveniences of the people of Bogra by the construction of an over-bridge at the Bogra (Eastern Bengal Railway) station?

(*c*) Is the Hon'ble Minister aware of the fact that the main platform of the Santahar (Eastern Bengal Railway) station is very low?

(*d*) Is it a fact that the passengers, specially the women, boys and old men, find much difficulty to get into and alight from the trains?

(*e*) If so, does the Hon'ble Minister propose to move the Government of India to remove the said grievances of the passengers by raising the level of the main platform to the level of the foot-boards of the trains?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) The matter is being brought to the notice of the Eastern Bengal Railway authorities.

(*c*) to (*e*) The hon'ble member is referred to the answer given to unstarred question No. 25 asked by Maulvi Maniruddin Akhand in the last session of the Bengal Legislative Assembly held on the 2nd March, 1938.

Irrigation scheme for Burdwan and other districts.

35. Rai MANMATHA NATH BOSE Bahadur (on behalf of Rai Satis Chandra Mukherji Bahadur): (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) whether the Government is preparing a scheme for the irrigation of lands in the districts of Burdwan, Hooghly and Howrah;

(*ii*) when is the preparation of the scheme going to be completed; and

(*iii*) will it be published after the preparation?

(*b*) Will the Government be pleased to direct those engineers in charge of the preparation of this scheme to take note of the fact—

(*i*) that it ensures continuous supply of water; and

(*ii*) that there are many tracts in the district of Hooghly which are very low and which may not be overflooded by the irrigation water and for which purpose provision for drainage be made?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*)(*i*) Yes.

(*ii*) Within this year.

(*iii*) After the scheme is prepared, it will be scrutinised in detail. If will then be decided if it will be published.

(*b*)(*i*) It will supply water throughout the year according to requirement. Provision is being made for a storage reservoir of adequate capacity with the object of ensuring continuous supply during the *kharif* crop season. In normal years there will be some water available in the reservoir for irrigating *rabi* crop also.

(*ii*) Provision for drainage of the very low areas within the command of the scheme was made in the rough estimate for the scheme. The detailed estimate will also make full provision for it.

Flood in North Tippera.

36. Mr. KAMINI KUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the Government is aware of the annual devastating floods in North Tippera consisting of police-stations Brahmanbaria, Nasirnagar and Sarail?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state if the Government has taken steps to ascertain the cause or causes of such floods?

(*c*) What steps, if any, do Government propose to take to stop such annual flood in the said area?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) and (*c*) The hon'ble member is referred to the reply given to his question on the 15th September, 1937.

(*b*) Yes.

Mr. KAMINI KUMAR DUTTA: With reference to reply to part (*b*), will the Hon'ble Minister be pleased to state the causes of flood that have been ascertained?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: It is not possible to go into the causes of floods in answer to a question like this. There are so many factors which are responsible for these floods. If the hon'ble member wants me to go into them, I shall ask for fresh notice.

Paper Mills on the Hooghly.

37. Rai MANMATHA NATH BOSE Bahadur (on behalf of Rai Satis Chandra Mukherji Bahadur): Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that an abominable, unbearable and obnoxious smell is emitted from the Paper Mills on the other side of the river Hooghly and makes life of the people unbearable in the town of Hooghly-Chinsura? Do Government propose to take steps either to stop or to abate the aforesaid nuisance?

The Hon'ble Mr. H. S. SUHRAWARDY: An objectionable smell emits from the Paper Mill situated on the East Bank of the Hooghly river. This smell is mainly caused by the gases produced in the manufacturing process. As a result of local inspection made by the Assistant Director of Public Health, the Mill authorities have been requested by the Director of Public Health to adopt remedial measures as early as practicable. Details as to suitable remedial measures are now being considered by the Mill authorities in consultation with the Director of Public Health.

Sending of Director of Public Health to Java.

38. Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the expenditure incurred by the Public Health Department in sending the Director of Public Health to Java and other places outside Bengal, to study the anti-malaria works;

(*b*) whether the said officer has submitted any report; and

(*c*) if the answer to part (*b*) is in the affirmative, whether the Hon'ble Minister proposes to place the report on the table?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The Director of Public Health was sent to Java to attend the Inter-Governmental Conference of the Far Eastern Countries on Rural Hygiene which included in its programme measures for combating certain diseases in rural districts including malaria. He acted as Joint Rapporteur on behalf of the Government of India and introduced the subject of Rural Reconstruction at the plenary session of the Conference. In connection with the Inter-Governmental Conference he attended meetings of the following Sub-Committees:—

(1) Rural Reconstruction,
(2) Malaria,
(3) Tuberculosis,
(4) Nutrition, and
(5) Leprosy.

The expenditure incurred in sending him to Java amounted to Rs. 1,624-6.

(*b*) and (*c*) Yes. A copy of his report is placed in the Library. Copies of the reports and recommendations of the various Sub-Committees of the Conference as adopted in the final session are also placed in the Library.

Message from the Assembly.

The Secretary to the Legislative Council (Mr. K. N. Mazumdar): Sir, the following message has been received from the Secretary of the Legislative Assembly:—

> In conformity with the requirements of rule 27 of the Bengal Legislative Assembly Rules, I am directed to send herewith an authentic copy of the Bengal Repealing and Amending

Bill, 1938, as passed by the Assembly on the 29th July, 1938, together with 150 spare copies of the Bill and to state, for the purposes of Rule 36 of the Bengal Legislative Council Rules, that the Bill was not referred to a Select Committee before it was passed.

I am further to state that the Bengal Repealing and Amending Bill, 1938, was sponsored by the Hon'ble Minister in charge of the Legislative Department.

I herewith lay on the table the following Bill passed by the Bengal Legislative Assembly at its meeting held on the 29th July, 1938:—

The Bengal Repealing and Amending Bill, 1938.

Non-official Resolutions.

Mr. PRESIDENT: Before Khan Bahadur Maulvi Mohammad Ibrahim, moves his resolution; under sub-section (*1*) of section 99 of the Bengal Legislative Council Rules and Standing Orders, I allot a maximum period of one hour for the discussion of this resolution and under sub-section (*3*) of the said section prescribe a time-limit of fifteen minutes for the hon'ble mover and the Hon'ble Minister and five minutes each for other hon'ble members.

Khan Bahadur Maulvi MUHAMMAD IBRAHIM (in Bengali): Sir, I do not know English. Hence, if this resolution has to be read in English, it will be done by my hon'ble friend Khan Sahib Abdul Hamid Chowdhury. I shall then deliver my speech.

Khan Sahib ABDUL HAMID CHOWDHURY: May I have your permission, Sir, to read the resolution on behalf of the Khan Bahadur?

Mr. PRESIDENT: Yes, you may read the resolution.

Khan Sahib ABDUL HAMID CHOWDHURY (on behalf of Khan Bahadur Maulvi Mohammad Ibrahim): This Council is of opinion that a public enquiry be held into the circumstances under which the revision of assessment of the Bogra Municipality was made for the second time under the new Act of 1932 and into the circumstances under which conservancy tax was levied on holdings without latrines in direct contravention of section 127 of the said Act with a view to find out whether there are sufficient justifiable grounds for the Government to order a fresh assessment in place of the last one made.

Khan Sahebur Maulvi MOHAMMAD IBRAHIM addressed the House in Bengali. The following is the English translation of his speech:—

Mr. President, Sir, the subject of my speech is the present assessment. That is, to say, the work of assessment done in 1938 should, under sub-section (*2*) of section 145 of the Municipal Act, have been carried out by a person who has knowledge of the local conditions. But the work of assessment under the Bogra Municipality has been done by a person imported from outside. Owing to the work of assessment not having been done by a person resident there, various acts of omission and commission have been done while making the assessment. In accordance with the section 123 (*d*) of the Bengal Municipal Act, 1932, conservancy rates may be imposed on the basis of the annual value of holdings. It has been set forth in sub-section (*1*) of section 128 of the said Act that the annual value of any holding will be the same as its annual rental. Again, sub-section (*2*) of the same section states that the annual value will be the same as the value of the premises together with the annual rental of the plot of land on which they stand. Hence, it is apparent that in cases where premises are situated on land, the tax will be assessed in accordance with the value of the land together with the premises on it. But the land on which no premises stand, that is, land lying fallow or under cultivation, will be assessed to house rates only,—no conservancy rates can be fixed on it. Besides, section 126 (*b*) lays it down that no conservancy rate shall be imposed upon an area unless and until proper arrangements are made for cleansing the latrines therein. But such rates have been imposed upon such areas without making such arrangements. Section 127 of the said Act states that in place where there is no conservancy, the owner of a holding shall be served with a notice with a view to correctly ascertaining how many people live in the holding or how many people habitually resort to it. Unless steps like these are first taken, no latrine tax can be levied. But the assessment made by the Bogra Municipality in 1938 led to the imposition of conservancy rates, contrary to the provisions of the said section, upon land lying fallow or under cultivation, as also, on holdings having no latrines. A civil suit conducted against the Bogra Municipality from 1920 to 1926 ended in a compromise. In contravention of the terms of the settlement made between the parties in 1928, conservancy rates have again been imposed on the land concerned. No rate was levied on it even during the assessment of 1933. The reason for this as stated by the Bogra Municipality is that no latrine tax can be levied on it but the conservancy rate can be. Hence, the conservancy rate has been assessed. Needless to say that an Act like this is unjustifiable as well as unlawful. Let us now see what conservancy means. It means the sewage and refuse, etc., of a sewer. Again, sewage means faeces, urine and other matters (from the latrine); that is to say, the word sewage stands for faecal

matters and other things from the latrine. If the interpretation of the Act has led to any error or omission in this case, the Act should be amended without any further delay. Cases in which the poor have been taxed more than is warranted under the circumstances have also come under notice. Under the new assessment, tax has been imposed, contrary to the provisions of section 127, on a person who started a betel-shop within a space three or four cubits long by the side of the Municipal road near the Municipality. This muddle is due to the fact that the work of assessment has been carried out by a person having no experience of the local conditions and hailing from without. Hence, let an enquiry be made by the District Magistrate in order to rectify these defects and errors and let a correct interpretation be put on the sections in question and the distress of the people be remedied by proper investigations, this is all that I want to say.

Mr. PRESIDENT: Motion moved: that this Council is of opinion that a public enquiry be held into the circumstances under which the revision of assessment of the Bogra Municipality was made for the second time under the new Act of 1932 and into the circumstances under which conservancy tax was levied on holdings without latrines in direct contravention of section 127 of the said Act with a view to find out whether there are sufficient justifiable grounds for the Government to order a fresh assessment in place of the last one made.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, as it seems that nobody is desirous of participating in this debate——

Mr. NARESH NATH MOOKERJEE: We are all desirous of speaking.

Khan Bahadur NAZIRUDDIN AHMAD: Yes, Sir, we are waiting to hear the Government's view. We might speak later on if we think it necessary.

The Hon'ble Mr. H. S. SUHRAWARDY: I suppose, Sir, that it is the convention that the Minister in charge speaks last.

Mr. PRESIDENT: No, no. You may speak now, and as the Minister to whose department the matter relates, you will have the right of speaking again after the reply of the mover under section 43(*3*) of the Rules and Standing Orders.

Khan Bahadur NAZIRUDDIN AHMAD: At his stage, Sir, we should rather like to have some information and not a reply.

The Hon'ble Mr. H. S. SUHRAWARDY: I was just going to say, Sir,——

Mr. PRESIDENT: Mr. Suhrawardy, if you can speak in Bengali, it will be of great advantage.

The Hon'ble Mr. H. S. SUHRAWARDY: All right, Sir. I shall speak in Bengali.

Hon'ble Mr. H. S. SUHRAWARDY addressed the House in Bengali. The following is the English translation of his speech:—Mr. President, Sir, I think could certainly have taken some step or other, if the Khan Bahadur had come over to me and explained all that he said here. I knew nothing of all that he said so much about. Looked at from the legal point of view, it is quite apparent that Government have no power to interfere in this case. If the Khan Bahadur would look into the matter more closely, he would find that under section 123 (*d*) of the Bengal Municipal Act, 1932, conservancy rates may also be levied on objects other than latrines. "A conservancy, latrine and drainage rate hereinafter known as the conservancy rate on the annual value of holdings,"—that is to say, conservancy rates may be imposed on places where there are no latrines. As regards his comment on section 127, the Khan Bahadur will notice upon a closer scrutiny that it states that "the commissioners may, (and not that the commissioners shall), for the purposes of conservancy or for the levy of conservancy rate, by a notice in writing require the owner or occupier of any holding to furnish within a time to be specified in the notice, a true and correct list of the number of persons living within or habitually resorting to such holding." Hence, the commissioners are not bound by this. Next, under section 126 (*1*) (*c*) the rate shall not be levied at more than seven per centum on the annual value of any holding. Where it relates to annual value no question arises. All that is there in section 127 also refers to section 126 (*2*) which is for holdings like workshop, factory, school, hospital, market, etc., with respect to which enquiries are made as to the number of persons living or resorting thereto, and not for ordinary holdings.

Now, I am neither aware of, nor, had any idea of the Khan Bahadur's grievances. Moreover, there is nothing in the Municipal Act to take any exception to. But if the Khan Bahadur submits his grievances in writing to me, I can make the promise to him that, if necessary, I shall cause an enquiry to be held into the matter and shall thereafter see whether the Government can interfere in the matter. In case any interference is permissible, I shall ask the commissioners who are there and the chairman if they can interfere in the matter and remove the grievances of the Khan Bahadur. And I shall of course apprise him of the results of all this.

Khan Bahadur MOHAMMAD IBRAHIM: I have no objection to withdraw my resolution after the Hon'ble Minister has given such an assurance.

Mr. PRESIDENT: Is it the pleasure of the House to permit Khan Bahadur Maulvi Mohammad Ibrahim to withdraw his resolution?

The resolution was then by leave of the House withdrawn.

Mr. NUR AHMED: I beg to move that this Council is of opinion that a sum of twenty-five lakhs of rupees, within a course of two and half years, be set apart in addition to present special annual allotment sanctioned for Moslem eduaction in all its branches with a view to giving effect to all the recommendations of the Moslem Education Advisory Committee as contained in their report published by Government in 1934.

Mr. President, Sir, may I hope that I would not be branded as a rank communalist for moving this resolution by any section of this House. The only motive which has led me to come before this House with this modest demand of Rs. 25 lakhs on behalf of those of our poor countrymen is that they are groping in the ever-deepening darkness of ignorance and illiteracy. I have every faith that my resolution will be accepted by this House without difference. There is no question of special favour to any particular community. I do not move this resolution in that spirit. This is a question of sheer justice and fairness to a community, the educational interest of which has been grossly neglected by the State in the past. I fully appreciate the force of the general argument against a policy of preference in favour of a particular community or group or section of people. I admit that special reservations or preferences inside a public system of education of a democratic community require justification.

In the light of above observation let us see what justification there is for this special grant of Rs. 25 lakhs.

In Bengal although the Muslims form 54 per cent. of the total population, only 15·5 per cent. of the pupils in the high stage of education are Moslems. From the comparative statistics given in the Muhammadan Education Advisory Committee's Report of 1934 and from the resolution of the eighth quinquennial review on the progress of education in Bengal for the years 1927-28 to 1931-32 and also from the Reports of Public Instruction in Bengal for the years 1932-33, 1934-35 and 1935-36, it will appear that after more than seventy years of the most civilised rule, the Muslim community to-day can claim 9·5 per cent. literates among males according to the census of 1921 and that figure has been raised to 9·8 according to the census of 1931. That is to say an increase of ·3 within the course of ten years. The state of female education is still more deplorable. According to the

census of 1921 the percentage of literacy among Muslim females was ·5 and that has increased to 1·5 in the course of next ten years, according to the census of 1931.

This is one aspect of this dismal picture. Let us consider this question from other view-points. From the latest report of the Government of India in 1935-36 it appears that the number of Moslems in Art Colleges, in University departments was 3,855 in Bengal as against 2,765 in the United Provinces and 3,517 in the Punjab; there were 582 Muslim students in professional colleges, in University departments in Bengal, there were 647 Muslim students in the United Provinces and 737 in the Punjab.

There were twenty-nine Muslim girls in Arts Colleges, in University departments in Bengal as against fifty-three in the United Provinces, hundred and fifty-one in the Punjab. While there was only one girl in professional colleges in Bengal as against 32 in the Punjab. There were 829 Muslim girls in secondary stage as against 873 in Madras, 1,730 in Bombay, 983 in the United Provinces and 3,000 in the Punjab.

This shows the lamentable condition of Muslim education in Bengal as compared with Muslim education in other provinces in India. This will appear more striking if we remember that while the Moslem population is about three crores in Bengal, that of the Punjab is less than half of Bengal; while in other provinces the number varies from five per cent. to twenty per cent. or less. It will be seen that the Moslems of other provinces are far ahead in both male and female education as compared with Bengal.

There is another aspect of the question. Let us now consider the present condition of Muslim education from another point of view. According to the census of 1931 the total Moslem population in Bengal was 27,497,624, out of which only 1,572,607 were literate and 25,925,017 were illiterate. Of the literate, 1,383,814 were males and 88,793 were females, while out of a total Hindu population of 21,570,407, 3,013,687 were literate and 1,855,672 were illiterate. Out of the literates 2,575,897 were males, 437,790 were females. From the latest report published by Government, it appears that in 1935-36 out of total pupils of 26,350 reading in the University and Arts Colleges in Bengal, only 3,815 were Muslims; out of total pupils of 5,186 reading in Arts Colleges, only 582 were Muslims; out of total pupils of 468,005 reading in high and middle schools, only 67,013 were Muslims; out of total girl pupils of 705 reading in Arts Colleges only 29 were Muslims; out of total pupil of 77 reading in professional colleges, only one was a Muslim; out of total girl students reading in high and middle schools of Bengal, only 829 were Muslims.

These comparative figures tell their own dismal tale and show how miserable is the condition of Muslim education in Bengal. It is sometimes said that the Muslims are rapidly progressing in the field of education.

In 1926-27 the percentage of Moslems in the University and Arts Colleges was 14·3 and it got reduced to 13·7 in 1934-35. In professional colleges the percentage of Muslim students was 14·06 in 1926-27, and this percentage dwindled to 11·03 in 1934-35. For these two years, viz., 1926-27 and 1934-35, the percentage of Muslim students in higher stages were 15·5 and 21·4, respectively, thus registering an increase in the number of students. The relevant figures for the middle stage are 19·5 and 24·1, which give us an increase in the number of students in that stage.

Sir, I do not want to add any comments to these comparative statistics which I have just given to the House. They disclose a very serious state of things regarding Muslim education in Bengal. The time has come to take drastic steps for making up the lee-way. Government, though sympathetic of late, owes a solemn duty to the Muslim community in Bengal to provide all necessary facilities to them to cover the lost ground. Sir, it would require more than a century for the Muslims to cover that lost ground if they are allowed to progress at the present rate. The whole of the Muslim community, from the highest to the lowest, fully realize the need for more education, but only penury, chill penury, utter destitution, unsympathetic and hostile atmosphere, and also want of proper facilities are retarding; seriously retarding, the pace of progress of Muslim education in Bengal——

(At this stage the member reached his time-limit.)

Mr. NUR AHMED: May I have two or three minutes more, Sir, to finish my speech?

Mr. PRESIDENT: You may have one minute more.

Mr. NUR AHMED: Sir, the facilities hitherto given by Government to the Muslims have proved to be inadequate and insufficient to accelerate the rate of progress of Muslim education in Bengal up to our expectation. I appeal to the House to consider what would be the condition of Bengal if the major community of the province lags in such a manner behind the other communities of this province, as it does at present. Even the authors of the Auxiliary Committee on Education, which was attached to the Simon Commission, and which reviewed the growth of education in India remarked: "We are aware that steps have been already taken to encourage Muslim pupils, but we are convinced by the evidence placed before us that much more assistance in this direction is needed to place the Muslim community

in Bengal in a sound educational position. We find that particularly the number of stipends and scholarships is small as compared with the total number of Muslim pupils, the majority of whom come from very poor families."

And again, 'It was suggested to us in evidence at Calcutta that in view of the needs of the Muhammadan community a sum of Rs. 48·50 lakhs for a period of ten years should be allotted'.

Sir, from the proceedings of the old Bengal Legislative Council——

(At this stage the member having reached the time-limit had to resume his seat.)

Mr. PRESIDENT: Motion moved: This Council is of opinion that a sum of twenty-five lakhs of rupees, within a course of two and a half years, be set apart in addition to present special annual allotment sanctioned for Moslem education in all its branches with a view to giving effect to all the recommendations of the Moslem Education Advisory Committee as contained in their report published by Government in 1934.

Mr. HUMAYUN KABIR: Mr. President, Sir, may I have your permission to move a short-notice amendment which, I believe, will be acceptable to the hon'ble member who has moved this resolution, for it accepts the general principle and purpose which he has incorporated in the resolution and only wants to extend it.

Mr. PRESIDENT: First read out your amendment, please.

Mr. HUMAYUN KABIR: My amendment is that instead of the words "with a view to giving effect to all the recommendations of the Moslem Education Advisory Committee as contained in their report published by Government in 1934" the following words be substituted, namely:—

> "in order to afford additional facilities for the educational advancement of the community and that the grant be administered by a Committee of the Legislature with three members from each House and the Hon'ble Minister of Education as Chairman of that Committee".

The reasons for this amendment, I will state as briefly as I can. I am sure that nobody in this House will have any——

Mr. PRESIDENT: Order, order. I take it to be the sense of this House that there is no objection to this amendment of Mr. Kabir

Khan Bahadur NAZIRUDDIN AHMAD: Sir, it radically changes the resolution and it is a completely new amendment. This is not an ordinary amendment, I should say.

Mr. PRESIDENT: If there is any objection, I would not permit the amendment to be moved. The objection is that the resolution undergoes a radical change. The Chair can permit an amendment if it is not of a very radically changing nature, i.e., if it is a mere verbal one or if it means a little change only to the main resolution. As I find there is objection from the Ministerial party, I mean the Coalition party, I do not think I can permit it.

Mr. HUMAYUN KABIR: May I then proceed to speak on the general resolution and in so doing make those remarks which I wanted to make in form of a new amendment?

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as the amendment is concerned, Government have absolutely nothing to do with it. If individual members raise any objection, they do so on their own account —whether it be from the Coalition side or from any other side.

Mr. HUMAYUN KABIR: Sir, I am thankful for the Hon'ble Chief Minister's remarks for I do not see personally why any member should raise any objection to an amendment of this nature, namely, something which will help the advancement of Moslem education. I shall start with certain criticisms which Maulana Akram Khan made in his editorial columns in the *Mahammadi* when first the Report of the Moslem Education Advisory Committee was published in 1934. There were certain defects, even grave defects, in that Report. Yet, there was also a suggestion in the Report that in spite of those defects pointed out in it, the same scheme should be adopted and further extended. Maulana Akram Khan at that time made it clear that since those defects had been pointed out, the best thing would be to undertake a thorough reconstruction of the system of Moslem Education which obtained in Bengal. It was pointed out in that Report that though according to the new scheme, Madrassahs attempted to teach more Arabic and to pay more attention to Islamic studies, in many cases it was a fact that their standard of teaching was inferior in comparison to the standard of Arabic taught in the ordinary colleges and schools under the curriculum of the University. Maulana Akram Khan at that time suggested that there was no reason why, instead of undertaking a revised scheme, the same scheme, as contained in the Report of the Advisory Committee, should not be adopted and further extended. That was one of the criticisms made a long time ago. And I do not know of anything that might have happened since

then to change that opinion of his. But in any case, I would take it that anyone who is interested in the cause of Moslem education would like that the question should be taken up as a whole again, if not for anything else at least for the fact that nearly five years have elapsed since the sitting of and presentation of the report of that Committee. During this period, we have gained more experience and new problems have arisen. And therefore I thought that it would be far better if a Committee of the nature I have suggested consisting of members from this House and the Assembly with the Hon'ble Minister of Education as Chairman, were appointed to go into the whole question. This Committee would be perfectly at liberty to incorporate in their report whatever suggestions of value there might be in the Report of the Educational Advisory Committee and discard those elements in the Report which to-day might not suit the necessities of the times. It could take the good elements in the Report and reject the bad ones. Such being my view, I am at a loss to understand how any hon'ble member could have taken any objection to my amendment. It is an amendment that is perfectly innocent, and not only innocent, but beneficial and constructive suggestion. However, speaking on the main resolution, since my amendment has been opposed on a technical ground, I would say that there can be no member in this House who will oppose a resolution of this nature. To-day the question of more education for the Moslems is a question concerning not the Muslims alone, but I should say, all Indians generally. It is a well-known fact that the weakest link of a chain measures the strength of the chain and there is no denying the fact that the hon'ble mover has demonstrated almost beyond dispute that to-day the education of Moslems is in such a perilous state, it is in such a backward condition that they cannot make up the lee-way without additional grants. Therefore, it is in the interest of every member here and of every well-wisher of the country and the Muslim community to see that this lee-way is covered. This can be done only by the grant of additional facilities, and additional facilities mean more money. Sir, the hon'ble mover has earned the gratitude of the country by moving a resolution of this type, and I hope, that when the Hon'ble Minister concerned will rise to speak, he will remember the suggestion which I have offered, whether it is moved here formally or not. When he makes up his mind, and when the decision is taken, he will, I hope, consider other issues which have arisen since the publication of the report of the Educational Advisory Committee. With these words, Sir, I gladly support the resolution moved by my hon'ble friend Mr. Nur Ahmed.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I rise to support this resolution whole-heartedly. There is no denying the fact that comparatively Muhammadans are very backward in education and that they require State aid so that they may recover their position. The root cause of this backwardness in

education has certainly got to be tackled with, and unless the Muhammadan community gets sufficient facilities from the State to tide over their financial difficulty, it would not be possible for them to recover the ground which they have lost during the last few years.

Sir, I think there would be no objection from any member of this House to this resolution being passed as moved. Of course, the Hon'ble Education Minister himself may perhaps suggest some amendments and probably they will be acceptable to most of us present here in view of the comments made by Mr. Humayun Kabir. The allotment of sufficient funds especially for the education of the Muslims is a thing which will not be objected to, I am sure, even by the Congress Party. Only yesterday, Sir, the leader of the Congress party, Mr. Sarat Chandra Bose, declared on the floor of the Assembly that if they were in power, they would allot 10 lakhs of rupees annually for levelling up the communities which were backward in education. So, in view of that declaration, I think that our friends opposite will be only too glad to support a resolution such as this which aims at levelling up the communities of this province which are backward in education.

With these words, Sir, I support the resolution of my hon'ble friend.

Khan Bahadur Maulvi MOHAMMAD IBRAHIM addressed the House in Bengali. The following is the English translation of his speech :—

Mr. President, Sir, I am not in a position to say anything about facts and figures. The mover of the resolution and my hon'ble friend the Khan Bahadur have already dealt with these. My point is that a bird has two wings and if one of its wings is broken, it cannot fly. Imagining that our country is like a bird, we find it has got two wings, one formed by the Hindus and the other by the Moslems. To-day the Moslem wing is absolutely broken for want of education. It is through education alone that this broken wing can be improved. The main reason why the Hindus are so advanced to-day lies in their education. The Moslem wing is broken to pieces. Had the Moslems been educated like the Hindus, Congress would have had nothing to bother about so much. Many from among the Moslems would have joined the Congress. Hence, if a little more amount is spent on Moslem education, there ought to be no objection from any group, whether Hindus or Moslems, Congress or Coalition party. Hindus or Moslems, we all go to make up the Bengali race. If this race is to improve, it must be through education. To-day, the Moslem community is very backward in the matter of education. Hence, spread of education is very urgently necessary for their improvement. Moreover, no community can make any progress unless the condition of women is improved.

The progress achieved by the Hindus is solely due to the improvement of the condition of their mothers. Female education has not spread in the least among the Moslem community. It is for this reason that special measures are required to be adopted for the purpose of disseminating female education among this community.

Now, the point is, if Moslem education merely means imparting instructions in Arabic, Persian or subjects like these, I am no supporter of that system. It must be the education that would enable us to compete with other communities which are our neighbours or the race that rules over us. Perhaps, Mr. Humayun Kabir has also said the same thing. On this point I quite agree with him. I do not believe in mere Arabic and Persian instructions to help the Moslem community to improve their condition. I wonder if a single farthing has been paid for English education out of the several lakhs of rupees budgeted this year. On the contrary, the impression has grown that money has been granted for education in Arabic and the like. I, therefore, do not like to say anything about the facts and figures cited by the mover. I support his resolution.

Maulana MUHAMMAD AKRAM KHAN: Sir, I beg to move a amendment. I move that the words "with a view to giving effect to all the recommendations of the Moslem Education Advisory Committee as contained in their report published by Government in 1934" be deleted.

Mr. PRESIDENT: I hope there will be no objection to this amendment.

(There was no objection.)

I permit this amendment as there is no objection.

Amendment moved: that the words "with a view to giving effect to all the recommendations of the Moslem Education Advisory Committee as contained in their report published by Government in 1934" be deleted from the original resolution.

Both the resolution and the amendment are now before the House.

Mr. KADER BAKSH: Sir, I had no desire to take part in this debate as my friend Mr. Humayun Kabir has sufficiently made the point clear as to why Muslim education is necessary, and the amount provided for it is not enough, but I should like to say a few words with regard to the remarks made by my friend Khan Bahadur Maulvi Mohammad Ibrahim. Education is not required to help the Muslim community to become congressmen, but it is certainly required for the purpose of making the people of the community good members both of the community and of the country. Education should be imparted

without restriction to every community in order to help them to achieve their moral, social, cultural and intellectual improvement. It cannot be denied that the Muhammadan community is and have been thrown to the background so far as education is concerned. They have not been given the adequate scope for cultural improvement. It is said that the Muhammadan community is poor; and if they are poor, no community, whether Hindu or Scheduled Caste, Anglo-Indians or Christians, should grudge any special grant made for the amelioration of the condition of the poor Muhammadan community. There are very few students reading in the special branches of education, e.g., in the Navy, Air Force, etc. Now the scholarships are meant for special training in these lines. I am of opinion that the portion of the amendment moved by Maulana Muhammad Akram Khan should be accepted by the House. I am also of opinion that a committee of experts is necessary to decide the questions as to how the amount is to be spent and on what line the amount is to be spent for the best benefit of the community. With these words, Sir, I support the resolution.

Mr. BANKIM CHANDRA DATTA: Sir, I do not think any speech is necessary to commend this resolution to the House and I am very glad that the House has ultimately accepted the amendment moved by Maulana Akram Khan. I had some misapprehension when the resoltion was first moved by the mover but afterwards——

Mr. PRESIDENT: The amendment has not yet been accepted by the House. It has been moved and I shall put the resolution and the amendment afterwards.

Mr. BANKIM CHANDRA DATTA: Sir, I was under the impression that the amendment has been accepted, but now I find it has not been accepted by the House, however, I hope it will be. Be that as it may so far as this side of the House is concerned, we whole-heartedly agree with the object of the resolution. I fully agree with the views expressed by Maulana Akram Khan and I say that the policy of Government ought to be to spend more money on the ancient culture of India and on the study of Sanskrit, Pali, Urdu, Arabic and other old languages of India. I do not agree with the views expressed by some hon'ble members that more money should be spent on English education. It is by the spread of education alone among our Moslem brothers and sisters that we would be able to understand each other and bring about the much needed Hindu-Moslem unity. With these words I support the resolution.

Begum HAMIDA MOMIN: Sir, I rise to support the motion most whole-heartedly. It is not an unknown fact that Moslem girls are

hopelessly behind the girls of the sister community in the matter of education and it is only through liberal grant of scholarships and the opening of schools with proper facilities for the grown up girls of the Moslem community to attend schools without any prejudice to their social and religious customs that the education of Moslem girls can be advanced. For this a liberal amount of money is necessary and I hope the House will accept the resolution.

Mr. NARESH NATH MOOKERJEE: Sir, I endorse the views expressed by our deputy leader, Mr. Datta. No one is more anxious than the Congress to see that more money is spent on Muslim education in Bengal, particularly because we realize that the only way by which we can understand each other, I mean the two communities, is to come to the same level of cultural development. I feel, I am voicing the sentiments of many of my friends here that the only way by which we can understand each other better and by which we can both understand the ideals of the Congress better, is by developing the same standard of culture and education. By saying this I do not for a moment wish to insinuate that there are not really cultured and educated Mussalmans in this province; but I must admit that so far sufficient money has not been spent for the uplift of the Muslim community as a whole. As far as this side of the House is concerned, we would like to see that more money is spent in the right direction and more care is taken in improving the standard of education of the Muslim community as a whole. As to how much money should be spent is a matter for the Government to decide. We would certainly not like to insist on a particular figure of, say, rupees five or ten lakhs, but we would certainly like to see that some appreciable amount of money is really set apart every year for this most noble purpose.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, in according my hearty approval to the principle of this resolution I wish to lay stress on the necessity of adult education of the mill hands. My reasons are these: if we go into the mill area we find that in the jute mill industry out of 320,000 more than 130,000 are illiterate Moslems. If some adult education is given to these people they will be less liable to exploitation by the politicians, I mean the exciting revolutionary propaganda that is now being carried on there. Adult education at night or Sunday schools should enlighten them and help them to know the objectives of the revolutionaries.

My primary point is that if these people get education, they will see their way to improve their position. They will have training to get better jobs, or rather higher jobs in the various departments. They are now mere labourers. Without education they never aspire to get

the job of a Spinning Master or of a Weaving Master or of a Departmental Head, Foreman, and so on. And I would, therefore, request the Hon'ble Minister to bear this in mind that a part of this money should be spent on adult education for the benefit of the working classes of Bengal.

Rai Sahib INDU BHUSAN SARKER: Mr. President, Sir, I rise to support the resolution of Mr. Nur Ahmed that a sum of twenty-five lakhs of rupees, within a course of two and a half years, be set apart in addition to present special annual allotment sanctioned for Muslim education in all its branches. I want to exclude the latter portion of the said resolution. There is no denying the fact that the Muslims are not so advanced in education as the other sister community, viz., the Hindus, If one leg of a person be weak and defective, he cannot move freely. Therefore it is desirable that Government should come forward to help the other community with the necessary finance and advice and make all other possible arrangements to gain their end and thus make them equally fit to compete on honourable terms with the other community.

Sir, I am also one with Khan Bahadur Maulvi Mohammad Ibrahim that English should also find a place in it. I also beg to suggest that there should be a Committee of nine with an equal number of members from both the Houses and with the Hon'ble Chief Minister as its Chairman to devise ways and means for smoothly conducting the affairs relating to Muslim education.

With these few words, Sir, I give my support to the resolution.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I am extremely grateful to my esteemed friend Mr. Nur Ahmed for having tabled this resolution. I am also grateful to the members of this House who have taken part in this debate and shown great solicitude which they all feel for the advancement of Muslim education in Bengal. I may observe in passing that the question of special help to Muslims implies also facilities to be given to other minorities and backward classes. At the present moment I shall confine myself to questions relating to Muslim education. I wish to make it distinctly understood that all the arguments that I may use in favour of the advancement of Muslim education or the position taken up by the members, and which may be accepted by Government, apply equally to other minorities also.

Now, Sir, it is somewhat curious that the suggestion that has been made by my esteemed friend to-day is exactly a suggestion which I made to Government in the year 1930 by a resolution which I moved in the Council of that time, on the 20th of August, 1930.

Sir, I shall with your leave simply read out the text of that resolution to the House. It ran thus:—

> "I beg to move that this Council recommends to the Government that it be declared as a settled policy of Government to set apart every year a sum of rupees ten lakhs for the advancement of Muslim education and that a beginning be made by making provision for the amount, and for this purpose, in the forthcoming Budget."

It will be seen, Sir, that my friend having proposed Rs. 25 lakhs to be spent in two and a half years, is following exactly the same suggestion which I made in my resolution in the year 1930. My resolution went even further than what my friend now proposes the Government should do. I at that time made it clear that an immense sum would be necessary to enable the Muslim students to get the benefits of education in the various educational institutions of this country, and in order to allow that community to make up its lost lee-way it was necessary that a considerable sum should be spent from public funds. My idea was that Rs. 10 lakhs should be spent every year and that it should be repeated for at least a period of twenty-five years to suffice for two generations of the students. At that time, Sir, I spoke with as much responsibility as the Leader of the Opposition spoke in the Assembly last evening. It is, Sir, all too very easy to suggest something to another but it is very difficult to put the same in actual practice when it comes in his turn to accomplish it. I can say here and now that if the Maharaja of Nashipur were to hand over a portion of his zemindary to me, I would set apart one lakh of rupees every year for the beggars in Calcutta. Now, Sir, everyone can say, as the Leader of the Opposition did yesterday, that if the Government came into his hand he would spend Rs. 10 lakhs every year. It is much easier said than actually done. At the same time I wish to make it clear that I cannot be holding charge of the portfolio of Education and be unmindful of the needs and requirements of the education of Moslems as well as of any other minority community. I can very well claim, Sir, that ever since the year 1913, when I first entered the Council, I have been constantly urging upon Government to undertake a scheme for the advancement of Moslem education. In the year 1913 in my first Budget speech—which was my maiden speech—in the Council, I urged the establishment of a college for Moslem students in Calcutta, and also the establishment of hostels for Moslem students. I pleaded for setting apart large sums of money for scholarships and stipends to Moslem students. My resolution was defeated because at that time the non-officials were in a hopeless minority in the Council. But I followed it up with a resolution for the appointment of an Assistant Inspector

of Schools for each Division. That resolution was carried; as a matter of fact, that was accepted by Mr. Lyon, the then Member in charge of Education. Then Assistant Inspectors of Schools were appointed, and an officer called the Assistant Director of Public Instruction for Moslem Education was also appointed. The appointment of these officers however, Sir, did not even touch the fringe of the problem. These Inspecting Officers are still doing their duties, but they are not doing any constructive work. Whenever you send up a scheme the whole problem resolves itself into a question of funds. Therefore, Sir, if really some substantial attempt is to be made for the advancement of Moslem education there can be no doubt that more and more funds should be provided for in the budget in order that the various problems that come up, the various schemes that should be worked out, may not suffer simply for want of financial assistance. Now, Sir, the position as regards Moslem education very briefly is this. In the year 1883 when public attention was forcibly drawn to the need of assistance being given to Moslems and other communities, a big Commission was appointed to explore the whole problem and in that year the Commission recommended, amongst other things, so far as Moslem education is concerned, that having regard to the backwardness of Moslems in the field of education, Government should realise that assistance for the advancement of Moslem education should always be regarded as a legitimate charge on municipal, local and public funds. The Commission further recommended that a graduated system of scholarships should be started for helping poor Muhammadan students. More than fifty years have since elapsed. During this period Moslem education has made almost gigantic strides, and the number of students attending colleges has multiplied, perhaps more than twenty times, and all available funds set apart for them seem utterly inadequate having regard to the magnitude of the problems before us. I, therefore, accept the position that in the present state of things, efforts should always be made by Government to spend more and more money for the advancement of the cause of not merely Moslem education but also of the education of other minorities as well. The question now is: how that could be done? In the year 1918 I moved a resolution in the Council suggesting the appointment of a Committee like the Committee that exists, to advise on Anglo-Indian education, a Statutory Committee, not merely for the purpose of passing resolutions but in order to take executive steps for carrying their resolutions into practice. That resolution was opposed by Government and was defeated. I then followed it up by another resolution that a Committee be appointed to act merely as an Advisory Committee. That resolution also was not accepted.

Now, Sir, there are certain points which have got to be borne in mind and which have a bearing on the question of Moslem education.

The case of Anglo-Indians, Sir, is different from that of Moslems and other minority communities. The Anglo-Indians have got certain educational institutions of their own, and they are not very much in number. They are concentrated in large towns and cities like Calcutta, Darjeeling, and some other places, and it is possible to consider their education separately from the rest of the population of the province, but the case of Moslems is different. Moslems are interspersed with other communities and are spread all over the province and they live with Hindus side by side, and it is difficult in a particular school to differentiate between the cases of Moslem boys and non-Moslem boys. At the same time the number of Muslim students in many places is so small that it is not a paying proposition to start educational institutions only for the use of Muslims. It may be possible in Calcutta, it may be possible in Dacca, but in the mufassil it is not, and every one who has got any knowledge of the interior, I mean the mufassil, will bear me out when I say that it is not possible to separate Muslim boys from Hindu boys. It is, therefore, impossible to set apart in the budget funds merely for Moslem education. Of course, funds can be set apart for the "advancing" schemes, for the advancement of Moslem education; but to have a Committee, a Statutory Committee, established ostensibly for Moslem education, just as we have in the case of Anglo-Indians, is almost an impossibility.

Secondly, the system of mixed schools and colleges has worked very satisfactorily, and all that the Moslem students required were help in the form of scholarships, hostel accommodation, etc., in order that they might have the fullest benefit of corporate college life. For that purpose funds have got to be provided for. I may here mention that when I moved that resolution on the 20th August, 1930, Government did not promise to give me money; but they appointed a Committee for the purpose of reporting as to what could be done in the matter. I then opposed the appointment of a Committee, because I pointed out to the Government that the whole position had been explored several times and the schemes were well known and that money could be provided forthwith to give effect to the schemes already hanging fire. My suggestion, however, was not accepted and the Committee was appointed. That Committee worked for nearly two years and submitted their report which was published by Government in 1934. But owing to financial stringency the recommendations of that Committee also could not be given effect to. When I assumed office on the 1st of April, 1937, one of the first things that I did was to go through the recommendations and to see how many of these could be translated into action and put into operation at once. In some cases, however, I was able to take action on the recommendations. But the House will please realise that in order to spend money it is necessary to have full-fledged schemes before you can start expenditure, because Government money cannot

be spent *ad hoc* at the bidding of anybody on any subject, unless the whole scheme is examined and approved by the Finance Department of Government. What is, therefore, possible is that these recommendations of the Committee are to be considered and as many of these as can be got ready for execution should be taken up at once, and I give the House this assurance that as soon as the schemes are ready they will be expedited as much as possible. The schemes will not suffer for lack of financial assistance from Government. I have got in my contemplation a Committee, not a statutory Committee but an advisory body, which may advise Government from time to time on questions relating to Muslim education. It will thus be seen that so far as the principle is concerned, I would very gladly accept it and shall do all that can possibly be done to provide funds for the advancement of Muslim education. In this connection, let me convey my heart-felt thanks to the members of this House, especially the non-Muslim members, who have so ungrudgingly come forward to show sympathy for the advancement of Muslim education in this province. It is nothing new to me. Whenever I have put forward schemes for the advancement of the education of the masses or the education of the minority classes, I have never met with opposition from brother Indians, because we all realise that with the education of all the communities in this country is bound up the future well-being of the country as a whole. It would not do for my Hindu friends to make immense strides, to go to the topmost ladder in the matter of education if their other brothers are lagging behind, because the non-advanced communities always happen to be a serious handicap to the progress of the province as a whole.

As regards the remarks made by my esteemed friend Khan Bahadur Mohammad Ibrahim, I am extremely sorry that I cannot agree with him. I am personally very much in favour of oriental learning and so far as my own power and little opportunity goes, I have always tried to help the advancement of Sanskrit, Arabic, and Persian studies. I believe in the conservation of these ancient sources of learning. I remember what Lord Curzon said in reply to one of the addresses presented to him; he said "you, gentlemen, do all you can for the advancement of English education in India, but follow your ancient prophets and guides and remember that the fountains of obsolete traditions have not infrequently distilled the precious germs of truth." There is much in that. It would not do to say that Arabic and Persian education are subjects, expenditure on which would be something useless. We want English education, but we want to encourage those who want Arabic and Persian education simply for its own sake and therefore I have provided in the last Budget a sum of Rs. 70,000 with an eye to have Rs. 1,50,000 every year which have already been given to madrasahs of the old and reformed type.

Coming to the institutions, high schools and colleges, I may tell the House that the policy of the Government has been to increase substantially, but step by step, the grant made for the advancement of Muslim education in Bengal. That policy has been consistently pursued and will be adhered to and if possible with a little acceleration also, so that the progress may be appreciably increased as time goes on.

In the matter of scholarships we provided Rs. 50,000 for Muslim boys, Rs. 35,000 for the Scheduled Castes and I am going up to the Finance Department for increasing the amount to be spent on scholarships to Muslim students and Scheduled Caste students. I hope the Finance Department will agree, and if they do agree it will be found that a very substantial sum will be spent on scholarships and stipends.

There are certain expenditure to be incurred in order to give the Muslim boys facilities for living in hostels.

When I entered the room I found my esteemed friend giving us certain statistics. I will not dispute with him the figures, but as far as I have been able to find out, Bengal is not behind-hand in the matter of provisions made for Muslim education to any other province in India, not even the Punjab. In the Punjab they have got the advantage that they have got Government grants and numerous funds coming from private sources which also help Muslim students. It is possible that my friend has got the figures from some sources which are somewhat out of date, perhaps late by a few years. They cannot be the latest figures. I do not believe that we are behind-hand, but if we are, I give my friend this assurance that the rate of progress is now so rapid that by the time this matter is raised in the budget, we will be indisputably ahead of every province in the matter of Muslim education and the education of backward classes. There is a universal desire, such a marked consensus of opinion that public fund should be spent in this respect that I do not doubt that any Minister of Education can for a moment hesitate to set apart sufficient funds for this purpose. If he does so, he will be failing in his duties and with this assurance I would ask my friend to consider if he can leave it to Government for a moment to decide what can be done to give effect to the resolution and to see that the various problems of Muslim education on which a report has been made by a Committee, may be taken up and put into execution by the provision of sufficient funds in the budget. If I succeed in setting up an Advisory Committee, the Advisory Committee will be able to push forward schemes which they think suitable and I think Government will never be behind-hand in giving effect to the recommendations of the Advisory Committee.

As regards the amendment that was moved by my friend Mr. Humayun Kabir or by my esteemed friend Maulana Akram Khan,

I submit it makes no difference to Government whether the amendment is accepted or not. The policy is to provide such funds in order to give the Muslims education. That policy is also the policy of Government. We have accepted that policy and I publicly declare that it is not a policy from which Government will ever deviate.

The second thing is as to how it is to be spent. It is a question of ways and means, and the ultimate discretion ought to lie with the Education Minister. He can be favoured with advice from those interested in Muslim education. There can be no hesitation even to accept either of the amendments. So far as Government is concerned, the resolution is innocuous. I think, therefore, no useful purpose will be served by pressing the resolution to a division and I hope my friend will withdraw it after the statement that I have now made in the House.

Begum HAMIDA MOMIN: I would like to ask a question to the Hon'ble Minister.

Mr. PRESIDENT: Yes.

Begum HAMIDA MOMIN: On a point of information. It has just been said by the Hon'ble Chief Minister that a sum of Rs. 50,000 has been set apart for scholarship to boys, but no mention has been made about the girls. May I ask whether he is considering about the girls as well?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am very sorry to say that in the course of my speech I forgot to make any reference to girls. As regards girls' education we have provided scholarships and stipends even for the students overseas, but I admit that the amount that has been provided is not sufficient that I am going up to Finance Department this year again for more funds.

Khan Bahadur ATAUR RAHMAN: In support of this statement I may say that my daughter has got a special scholarship out of the new grant made by the Education Department.

Khan Bahadur NAZIRUDDIN AHMAD: May I say one word, Sir? As the masculine always includes feminine, so the boys always include girls——

Mr. PRESIDENT: Order, order.

Mr. NUR AHMED: Mr. President, I am very grateful to the House for the unanimous support that has been accorded to the resolution moved by me. I am grateful to those and especially to my non-Muslim friends for showing their solicitude towards Muslim education and speaking in favour of my resolution. I have also very carefully heard the assurance given by the Hon'ble Chief Minister and I am pleased to hear that the old policy which the Chief Minister wanted to inaugurate so far back as 1930, is going to be followed. As the Chief Minister is in charge of education and he is anxious to advance the education not only among the Muslim community but among all communities, I shall be glad to withdraw my resolution.

Mr. PRESIDENT: The question before the House is that the words, "with a view to giving effect to all the recommendations of the Moslem Education Advisory Committee as contained in their report published by Government in 1934" be deleted from the original resolution.

The motion was agreed to.

Mr. PRESIDENT: The question before the House is that this Council is of opinion that a sum of twenty-five lakhs of rupees, within a course of two and a half years, be set apart in addition to present special annual allotment sanctioned for Moslem education in all its branches.

The motion was adopted.

Mr. HUMAYUN REZA CHOWDHURY: Sir, I beg to move that this Council is of opinion that the Government should take steps to absorb all the Settlement Kanungoes whose services are going to be dispensed with, owing to the abandonment of the revisional settlement programme of Government in other permanent services under Government, and to grant those members of the service, who cannot be absorbed in any permanent post under Government, a gratuity which will be equivalent to at least a month's salary, drawn at the time of retirement, for each year of service rendered by each individual member, to reduce their hardships.

Sir, I hope that some of my friends in this House will be able to see their way to support this resolution of mine which I have moved formally.

Mr. PRESIDENT: Motion moved that this Council is of opinion that the Government should take steps to absorb all the Settlement Kanungoes whose services are going to be dispensed with, owing to the abandonment of the revisional settlement programme of Government, in other permanent services under Government, and to grant those members of the service, who cannot be absorbed in any permanent post under Government, a gratuity which will be equivalent to at least a month's salary, drawn at the time of retirement, for each year of service rendered by each individual member, to reduce their hardships."

Khan Bahadur ATAUR RAHMAN: Sir, with your permission, I beg most whole-heartedly to support this resolution. I would only say a few words about the hard lot of these Settlement Kanungoes. Any one who has worked either as a Kanungo or has seen the Kanungo at work will admit that they are the hardest worked men in Government service. I think if the Hon'ble Labour Minister had ever seen them at work, he would have jumped at the idea of ameliorating their hard lot as he has been good enough to extend his helping hand to the jute mill workers. These Kanungoes have to work in the hottest sun and the rainiest day. It is admitted on all hands that they have rendered very valuable and loyal service to Government as a result of which Government revenue has been tremendously increased. Even if half of the increase in revenue is allocated for their benefit, I think the Kanungoes will immensely profit by that. As far back as 1931, Government sanctioned that these Kanungoes would be made permanent and that at a time when the Government's finances were in a very bad state. Now, Sir, we have got a surplus and flourishing budget, and there is stability in Government's finances. I think, Sir, that it would be unlucky if these hard-working men were discharged, at a critical moment with almost a nominal gratuity in the evening of their lives. If that be so, Sir, they will be quite unable to earn their bread in any other way.

Now, Sir this resolution suggests two things that they should either be absorbed in other permanent services under Government, if not, all of them at least some of them or, in case they are discharged, they be given a handsome gratuity equal to at least a month's salary for each year of their service. As regards absorption, Government may as well do so by taking them in the various departments, e.g., in the Debt Settlement Boards whose number is increasing every day, also they might be absorbed in the Co-operative Department, where outdoor work has got to be performed, for which they are eminently suitable. So, I would request the Hon'ble Minister to consider their case very favourably and I would also ask the members of this House to consider their unfortune lot and pass this resolution unanimously.

Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Sir, I rise to support this resolution whole-heartedly. The settlement kanungoes

are a very useful and efficient band of officers who had to do very hard and responsible work under most trying circumstances. They had to work in the scorching rays of the sun and their efficiency was put to the hardest of tests and those who were found not quite up to the mark at any time, were discharged. So it is only the most efficient hands of tried ability who were allowed to continue, and now those officers also are going to be discharged without any adequate provision being made by Government for their subsistence after discharge. It is true no doubt, that men of outstanding ability have been promoted to Sub-Deputy Collectorships, but yet one hundred and seven men are left without any provision whatsoever, and everyone of them has got to his credit fifteen to thirty years of approved service of a most austere and responsible nature.

Sir, we often hear of Government solicitude for improving the lot of labourers under private industrial firms and Government, we hear, are contemplating to compel the employers to contribute towards their employees' Provident Fund. Would it then behove Government, Sir, to treat their responsible officers with such scanty provision after having sucked their life-blood for twenty to thirty years? Any civilized Government would be ashamed of meting out such treatment to their own employees. Sir, I know it will perhaps be urged that these Kanungoes entered Government service with their eyes wide open, knowing that their posts were temporary and so they cannot complain now. Government, Sir, can get all their employees on a temporary basis including Gazetted Officers, but yet no civilized Government would think of making such appointments on a temporary basis. When the Kanungoes were appointed Government knew that they were going to be employed for twenty to thirty years and consequently it was their bounden duty to see that some provision was made for them. They should have at least contributed towards some Provident Fund as it is in vogue in the Local Self-Government Departments. If they had done so, there would have been no necessity of a resolution like this to be moved at this time.

Sir, I think the resolution that has been moved is a very modest one. It desires the Government to provide, or rather to absorb in permanent posts as many of them as the Government can, and to discharge the remaining by giving them a substantial gratuity, and not the nominal gratuity as has been decided upon.

Sir, these Kanungoes had petitioned Government as far back as 1913, and as a result Government promised to seriously consider the question of making their appointments permanent. In 1926 the Government had actually communicated their administrative approval of making the posts of Kanungoes permanent and pensionable by Government letter No. 10740-L.R., dated the 29th August, 1931. But, Sir, subsequently, in 1935 Government by their letter No. 17847-L.R., dated the 23rd

November, 1935, suddenly declared that they did not consider it justifiable to make the posts of Kanungoes permanent, and instead they put forward a gratuity scheme which proposed to give them only Rs. 100 for every year of service up to and including the 28th February, 1925, and after that, only Rs. 25 for every year of service. The average which a Kanungo, having rendered twenty-five to thirty years' service, would get according to this scheme is only Rs. 1,250 and that is not at all sufficient for them to fall back upon in the evening of their lives when they are going to be suddenly discharged. Now, Sir, if they claim that they be given one month's pay for every year of service and that they would be satisfied with it, the total charge on that basis will come to only about Rs. 5 lakhs. This expenditure is a non-recurring one; it is a capital expenditure, the aggregate being only Rs. 5 lakhs which I think is not at all too much. Government have already realized a contribution towards the pension of Kanungoes from those districts in which there have been Settlement operations, to the extent of Rs. 2 lakhs, and they are still realizing this contribution. Such being the case, how can they now refuse—and with what face can they refuse—this amount at least, and why should not Government also contribute, sufficiently to make them free from anxiety in the evening of their lives, having employed them from twenty-five to thirty years and knowing all this time that they were employed temporarily? In the Local Self-Government Departments, Government compels the local bodies to make a contribution towards the provident fund of their employees. If similar contributions had been made for these Settlement Kanungoes, they would have got perhaps not less than Rs. 10,000 or Rs. 15,000 at the time of their retirement, but instead, to ask them to go away with a pittance of Rs. 1,250 only is nothing short of an injustice to them.

Now, Sir, a question may be raised as to whence will the money come. But in this connexion we must remember that Government have realized Rs. 25 lakhs as excess Settlement Recovery costs. This amount has been realized from the tenants and the zemindars. Out of this sum if about Rs. 3 lakhs be further contributed and added to the Rs. 2 lakhs, which has already been realized for the Kanungoes' pension, we get Rs. 5 lakhs, and this is not at all too much to contribute. In all fairness this Rs. 25 lakhs, realized in excess as Settlement costs, ought to have been refunded to the people from whom this was collected, but there were obvious difficulties in so doing, and I quite appreciate Government's difficulties in making a refund to each particular individual prayer. But still Government could have taken at least the advice of the representatives of the people. And we, as representatives of the people here, urge that out of that huge sum of Rs. 25 lakhs at least Rs. 3 to 4 lakhs be utilized for making a contribution towards the maintenance of these useful band of officers.

With these words, Sir, I support this resolution.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, I rise to support whole-heartedly the motion of my friend Mr. Humayun Reza Chowdhury. At the time when these Kanungoes were appointed, Government no doubt contemplated that their services would be required for a few years, say, for two or three years and would be dispensed with by that time. Government thought that the Survey operations would be carried on and completed in the course of a few years. So their appointments were made on a temporary basis, but on experience it has been found that Survey operations could not be completed in a few years but have been going on for the last twenty-five or thirty years, and that it would take five, six or even ten years more to complete. Moreover, I understand, that the Government propose to undertake the re-survey operation for the completion of the present one. If that be the case, I think their claim for gratuity or for pension is most reasonable. Sir, had their services been for a few years only, I would certainly not have supported this resolution. But this is not the case as it stands. There are Kanungoes who have been in service for twenty or twenty-five years and there are some who have already been discharged on account of their age or for the length of their service and have been paid a nominal sum of gratuity after the expiry of their long term of services.

Now, Sir, what is the rule with other semi-Government offices, such as municipalities, district boards, etc? You will find that provident fund facilities have been provided for their employees there also, and I am told in some cases a gratuity is also granted. Even in the mills and factories, labourers have had the provision for gratuity, and in some cases pension is allowed. Further even in some private estates a system of gratuity and pensions for their servants is in vogue. So, why should Government deprive these poor Kanungoes of provident fund facilities is a matter which passes my comprehension. Sir, it might be said by Government that there will be financial difficulty in paying gratuity or pension, but look at their number, Sir; there are altogether about eighty or ninety Kanungoes, and of them, half i.e. fifty can very well be employed in other ways, namely, in Court of Wards Estates or in other Government posts, and Government can even promote them to the rank of Sub-Deputy Collectors if their services are found most satisfactory and suitable, and so on. Thus fifty per cent. can be absorbed in the services. And as for the remaining ones, namely, the other fifty per cent., the Government can pay them gratuity at the lowest scale that is provided for any other officers of Government. This amount will not be a large sum of money. Government will require a few thousand only per year. With these words, Sir, I lend my whole-hearted support to this resolution, and I hope Government will consider this case of the Kanungoes most sympathetically and will do justice to them.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I will just say one or two words in support of the resolution. I am glad that after abortive attempts in the last two or three sessions of the Council, it has been possible for us to consider the question which from the point of view of the officers concerned is of vital importance. I understand that there are about ninety Settlement Kanungoes who will be thrown out of employment as a result of the suspension of the settlement operations. I am also told that about five or six officers have already been served with notices of discharge and it can easily be imagined what their fate will be at this advanced stage of their lives. Many of these officers have been serving the Government for the last twenty-five years or perhaps more, and if their services are suddenly and prematurely terminated, they will be put to extreme difficulty and hardship. In my opinion Government should suspend recruitment to services which require officers of the qualification and experience of the Settlement Kanungoes. Revenue matters are complicated and experience of revenue work is undoubtedly of great value to some of the departments of Government. For the sake of administrative efficiency, if for nothing else, these officers should be absorbed in such departments as could usefully employ them. The Raja Bahadur of Nashipur has suggested that the Court of Wards may provide some of them. The prospects of these officers are different from those serving in the other departments of Government. They have no pension although they are as good Government officers as officers in the other branches of administration, and it stands to reason that they should all be treated alike. My friend, the mover of the resolution, has already said that these officers have to work from "dewy morn till dusky eve" in the burning heat of the sun and in battering rain, and I would like to draw the attention of Government to the desirability of providing these unfortunate officers. District Boards, municipalities and other self-governing institutions as well as commercial concerns have made provision for a retiring gratuity but so far as the Kanungoes are concerned they will be in great difficulty with their family and children if their services are dispensed with. It will be impossible for them to secure service elsewhere at this advanced age.

With these words, I strongly support the resolution and hope the Hon'ble Minister will give a favourable reply.

Mr. KADER BAKSH: Sir, some of the Kanungoes are working in the Dinajpur district and I have got a personal knowledge of their lot. There is no denial of the fact that these officers are very hard working; they have to work from morning till late at night under scorching sun and in rain. If these people who have been serving the Government for a long period of twenty-five years are asked to go without any kind of gratuity or any provision for the future, it is certainly a cruel thing.

They have served Government faithfully for a long period and it is only fair and just that they should be compensated adequately. Gratuity of a month's pay for each year of service is not enough and we have been told repeatedly that there is a big amount to their credit which is to be paid to them as pension. Then why should not Government pay them out of this fund? Government will not have to find a separate fund as there is already one existing. Why not spend this amount for the people who have served Government faithfully for a long period? There is a possibility that some of them will be absorbed but all of them cannot be; eighteen of them have already been absorbed this year. That means that some of them, who will be thrown out of employment, will have to go out with starvation staring them in the face. Therefore I support the resolution.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, at the outset I may assure my friends who have supported this resolution that this Government is by no means a cruel Government. We are a humane Government and feel as much for these Kanungoes as those who have so eloquently advocated their cause. In fact Government do admit that these Kanungoes have rendered very useful service to the province and to the State and it would indeed be cruel if they are thrown out of employment in their old age without any means of subsistence. There are two classes of Kanungoes, the majority of them belong to the quasi-permanent class, that is, those who were appointed in the early days of the settlement operations and the second class are purely temporary. Government in 1925 decided that they should be given gratuity at the rate of Rs. 100 for each year's service up to 1925 and after 1925 Rs. 25 for each year's service. This would cost Government Rs. 1,92,000. If the proposal of the hon'ble member is accepted, namely, to grant one month's pay for each year of service, the amount that would be necessary would be Rs. 5,70,000 that means an additional expenditure of nearly Rs. 4,77,000.

First of all, I may inform the House that very likely a large majority of these Kanungoes would not be thrown out of employment. There is every chance of their being absorbed either in permanent Government service or in being employed elsewhere in settlement work; for instance we are undertaking proceedings under section 112 of the Bengal Tenancy Act in one *pargana* of the Mymensingh district and there is a possibility of our extending the operations in other parts of the province. So there is a good chance of Government employing quite a large number of those Kanungoes on settlement work. As it was pointed out by Mr. Kader Kaksh, eighteen of them were absorbed in the Bengal Junior Civil Service this year and Government have been trying their best to absorb them as quickly as possible in Government service. So Government are by no means lacking in sympathy towards these officers

who have rendered so valuable service to the province and I can assure the House that Government propose to review the decision of 1925. Personally I am not satisfied that Rs. 100 for each year of service is a sufficient amount on which they should be asked to retire. But it is not possible for me to give a definite assurance here and now as to the decision which Government will take. Their attitude is definitely sympathetic and Government do feel that something has to be done for these officers and that they should not be thrown out of employment in their old age without adequate means of subsistence.

I hope on this assurance the hon'ble mover will agree to withdraw his motion and give me a chance of reviewing the whole position.

Mr. HUMAYUN REZA CHOWDHURY: In view of the assurance given by the Hon'ble Minister I beg leave of the House to withdraw my motion.

Mr. PRESIDENT: Is it the pleasure of the House to allow the member to withdraw his motion?

The motion was then by leave of the House withdrawn.

Mr. KAMINI KUMAR DUTTA: Sir, I beg to move that this Council is of opinion that steps be taken by the Government in order that a Committee consisting of members of this House and of the Legislative Assembly may be formed with power to co-opt experts in the Committee, to formulate a scheme and to suggest proper legislative measures to give effect to the following and to report these to this House:—

(*a*) to solve the problem of agricultural indebtedness, and in order to effect this—

(*i*) to provide for advancing long term loans to agriculturists towards the liquidation of agricultural debts; and

(*ii*) to devise suitable judicial procedure for compulsory and fair adjustment and scaling down of accumulated rural debts;

(*b*) to re-organise rural economy of the Province, and for this purpose—

(*i*) to establish Agricultural Banks in all Unions for advancing short-term loans to the agriculturists at a small interest against hypothecation of crops or mortgage of lands, as the case may be;

(*ii*) to grant subsidies to *bona fide* agriculturists for developing the undeveloped lands of the Province;

(*iii*) to start institutions for agricultural education and research;

(*iv*) to establish Industrial Banks for the purpose of advancing small loans to trained young men and to agriculturists to whom agriculture is not a dependable means of livelihood, for starting and conducting small industries;

(*v*) to develop co-operative institutions.

Sir, in moving this resolution I do not for a moment intend to lay down that this resolution claims to be an exhaustive list of all the remedies as to rural indebtedness and as to the insufficiency of other occupation of the rural population. The principal object of my resolution is to draw pointed attention of the Government to the necessity of adopting measures speedily for remedying the ever-growing rural indebtedness which has been particularly accelerated by the persistent fall in the value of agricultural products.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 12th August, 1938.

Members absent:

The following members were absent from the meeting held on the 11th August, 1938:—

(1) Benthall, Sir E. C.
(2) Esmail, Khwaja Muhammad.
(3) Karim, Khan Bahadur M. Abdul.
(4) Khan, Khan Bahadur Muhammad Asaf.
(5) Mukherji, Rai Bahadur Satis Chandra.
(6) Ormond, Mr. E. C.
(7) Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
(8) Roy, Rai Bahadur Radhica Bhusan.
(9) Shamsuzzoha, Khan Bahadur M.
(10) Sinha, Rai Bahadur Surendra Narayan.

B. G. Press—1938-39—6337A—750.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 12th August 1938, at 2-15 p.m., being the fourth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Amendment of Wakf Act.

39. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) if any non-official Bill for amending the present Wakf Act was introduced in the Assembly, and, if so, when;

(*b*) if it is a fact that the present Wakf Act requires amendment urgently for proper administration of the Wakf Department;

(*c*) if the answer to (*b*) is in the affirmative, why no action is being taken by Government for introducing a Wakf Amending Bill; and

(*d*) when do the Government propose to introduce any such Bill?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) The Bengal Wakf (Amendment) Bills, 1937, by Maulvi Tamizuddin Khan, M.L.A., and by Khan Bahadur Mohammed Ali, M.L.A., were introduced in the Assembly on the 16th September, 1937.

(*b*) Yes.

(*c*) and (*d*) A comprehensive Official Bill has been drafted and is now under consideration. It will be introduced in the Assembly as soon as possible.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister be pleased to state the approximate date when we may expect the Bill to be introduced in the Assembly?

The Hon'ble Mr. A. K. FAZLUL HUQ: I shall try to introduce it this session, and that is all that I can say at the present moment.

Grievances of the copyists of the Registration Department.

40. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) with reference to the assurance given by the Hon'ble Minister in the answer to question No. 202 on the 20th September, 1937, in the Bengal Legislative Assembly, what steps have been taken to examine the questions of the grievances of the copyists of the Registration Department;

(*b*) whether Government propose to increase their number;

(*c*) whether Government propose to increase the rate of remuneration payable to these copyists;

(*d*) whether they propose to appoint these copyists as permanent Government servants entitling them to benefit of the Provident Fund and pension; and

(*e*) with reference to the speech delivered on the 4th September, 1937, in the Bengal Legislative Assembly by the Hon'ble the Chief Minister during the discussion on the Budget Estimates (reported at pages 1054-1055, Volume II—No. 3), whether he will be pleased to state what action, if any, has been taken up till now; and whether any report referred to in the speech has been received from the Inspector-General of Registration, Bengal, and if so, do Government propose to take any action thereon?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) to (*c*) The question of redressing the grievances is still engaging the attention of Government.

(*d*) If the hon'ble member refers to the case of extra copyists who are employed in times of pressure to deal with additional work, which the members of the permanent staff are unable to deal with, the answer is in the negative.

(*e*) The question of redressing the grievances is still engaging the attention of Government.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Chief Minister let us know within what time the enquiry is expected to be finished?

The Hon'ble Mr. A. K. FAZLUL HUQ: It all depends, Sir, on the report that will be received through the Inspector-General of Registration from the various Registration offices. If the reports come in time, when the Assembly is sitting, some action will be taken immediately; otherwise, there will be some delay; but, in any case, we will expedite the matter.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Will the Hon'ble Chief Minister be pleased to state whether he considers that the grievances of these extra copyists are very, very serious?

The Hon'ble Mr. A. K. FAZLUL HUQ: They have got grievances, and some very real indeed; and therefore we are trying to look into the matter so that something may be done for them.

Ferry ghats in Rajshahi and Murshidabad districts.

41. Rai MANMATHA NATH BOSE Bahadur, Rai SATIS CHANDRA MUKHERJI Bahadur and Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) when were the following ferry ghats in the districts of Rajshahi and Murshidabad resumed either by Government or by the District Board:—

(*i*) Gourangapur,
(*ii*) Kodalkatee,
(*iii*) Chandina,
(*iv*) Alaipur,
(*v*) Kalukhali,
(*vi*) Damuria,
(*vii*) Maricha,
(*viii*) Amirpur,
(*ix*) Rangamati,
(*x*) Chulkati, and
(*xi*) Madhaikhali;

(*b*) whether any compensation was awarded to the proprietors thereof at the time of resumption;

(*c*) if so, when and what was the amount in each case;

(*d*) whether these ferries formed part of the Zemindari Huda Ekuree of Maharaja Ram Krishna of Natore in *Pargana* Goas at the time of the Permanent Settlement appertaining to *Tauzi* No. 523 of the Murshidabad Collectorate at present;

(*e*) whether it is a fact that, in his letter submitted to the Government on the 14th March, 1855, Mr. Toogwood, Magistrate of Murshidabad, reported that this Kodalkatee ferry which formed part of the Zemindari of Huda Ekuree and which had ten other subsidiary ferries attached to it, used to pay the Government an annual rent of Rs. 4,500;

(*f*) if so, who assessed the rent and by whom it was paid;

(*g*) which of these ferries are in existence now;

(*h*) which of them are in Murshidabad and which are in Rajshahi district;

(*i*) who owns these ferries now—Government or the District Board; and

(*j*) whether the Hon'ble Minister will be pleased to lay on the table a statement of the income from these ferries in the year 1937-38, district by district, with the names of the farmers and date of lease together with a statement showing the annual rent settled for each ferry?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar): (*a*) Informations could not be traced as to when these ferry *ghats* were resumed, but it appears that the Chulkati and Madaikhali ferries were transferred by Government to the Murshidabad District Board in 1888 for management, and the Amirpur and Kodalkati ferries were transferred to the Rajshahi Municipality in 1927.

(*b*) I cannot say.

(*c*) and (*f*) Do not arise.

(*d*) From Rakbabandi paper filed by Raja Debi Sing Bahadur in the year 1206 B.S. it appears that these ferries were shown by the said Raja as appertaining to Ekurea Huda Pargana Goas *Tauzi* No. 523 of Murshidabad Collectorate.

(*e*) Papers could not be traced.

(*g*) Kodalkati, Amirpur, Chulkati and Madaikhali.

(*h*) Kodalkati and Amirpur are in Rajshahi district; Chulkati and Madaikhali are in Murshidabad district.

(*i*) Kodalkati and Amirpur ferries are owned by the Rajshahi Municipality, and the Chulkati and Madaikhali ferries are owned by the Murshidabad District Board.

(*j*) A statement is laid on the table.

Statement referred to in the reply to question No. 41.

Ferries.	Name of lessee.		Amount collected during 1937-38.	Term of lease.
		Rs.	Rs.	
(1) Chulkati and Madaikhali, etc.	Judhisthir Ghosh ..	395	395	One year.
(2) Kodalkati and Amirpur, etc.	Hari Sankar Prosad Singh.	8,500	6,874	Three years from 22nd March, 1937.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*b*), will the Hon'ble Minister be pleased to have an enquiry made into the matter?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, I have already stated that it has not been possible to make that enquiry.

Sugar excise duty.

42. Mr. NARENDRA CHANDRA DATTA: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact that the Government of India contribute annually some portion of the sugar excise duty as subsidy to each Provincial Government and that the fund so allotted is to be spent for the improvement of sugar industry in each province?

(*b*) If so, will the Government be pleased to state the receipt of the said grant, year by year, and the total amount of money so received up to the closing of the last financial year?

(*c*) In what way do the Government of Bengal propose to utilise this subsidy for the cause of this industry?

(*d*) Do Government of Bengal propose to consult the different sugar mills of this province before they chalk out any scheme for the utilisation of this grant?

(*e*) Is it not a fact that this subsidy from the Central Government is being utilised every year by the other Provincial Governments for the benefit of this industry in their own provinces?

(*f*) If so, will the Government be pleased to state the reasons why this fund has been allowed to accumulate for years together without being spent for the cause of this industry?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Yes.

(*b*) The amounts allocated to this province up to the end of the last financial year are—

		Rs.
1934-35	...	20,000
1935-36		
1936-37		25,500
1937-38		30,000
	Total	75,500

These amounts have not yet been received as the payment will be made when the expenditure is actually incurred year by year.

(*c*) A scheme has been drawn up for the utilisation of the grant in the organisation and operation of Cane-Growers' Co-operative Societies in the vicinity of the sugar mills at Gopalpur and Setabganj, in the districts of Rajshahi and Dinajpur, respectively, at a cost of Rs. 68,640 spread over a period of three years. The scheme has been approved by the Government of India and will soon be put into effect.

(*d*) Two sugar mills were consulted before the scheme was drawn up.

(*e*) I am not aware of the exact position in other provinces.

(*f*) Does not arise.

Mr. NARENDRA CHANDRA DATTA: With reference to answer (*d*), will the Hon'ble Minister be pleased to state the names of the two mills which were consulted in this connexion?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, these two mills are situated in the districts of Dinajpur and Rajshahi, and I have mentioned that they are located in Gopalpur and Setabganj. I am sorry, Sir, I cannot furnish the names off-hand.

Mr. NARENDRA CHANDRA DATTA: Were any mills in Dacca or Eastern Bengal consulted in this connexion?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I do not think so, because I have already stated in my answer that only these two mills in Gopalpur and Setabganj were consulted.

Mr. NARENDRA CHANDRA DATTA: Are those two mills in Gopalpur and Setabganj managed by Bengalees or non-Bengalees?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice, Sir.

Khan Bahadur ATAUR RAHMAN: May we know, Sir, why the Beldanga Sugar Mill was not consulted?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is very difficult to give the reasons therefor, but I think sugar mills near about those places where Cane-Growers' Co-operative Societies were going to be established, were consulted.

Mr. NARENDRA CHANDRA DATTA: Is there no necessity for a Cane-Growers' Co-operative Society at Dacca where two mills are working?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I shall consider this suggestion, but it is very difficult for me to answer a question like this off-hand.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Does not the Government think it proper to consult all the mills in Bengal and also to consult the other Provincial Governments which have drawn up schemes of a similar nature?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, it is rather difficult to risk an opinion, but I have mentioned in my answer to this question all that we have done hitherto; and with regard to consulting the other provinces I may state that we have not been able to ascertain the exact position.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Are the only two mills that have been consulted going to be given this grant, or other mills also?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The grant will be spent through the Society. The mills will not have any grant.

Khan Bahadur ATAUR RAHMAN: May we know what will be the nature of the Societies? Whether they will be credit or any other type of Society?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: According to our present programme, the scheme is going to be registered very soon and when it is registered, it will be available to all the members, and they will then be able to judge the nature of the Societies that are going to be established.

Mr. NARENDRA CHANDRA DATTA: Does the Hon'ble Minister propose to consult the mills at Dacca?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already stated Sir, that I shall do so, when it is so desired.

Mr. NARENDRA CHANDRA DATTA: Thank you.

Honorary Doctors for hospitals.

43. Mr. NUR AHMED: (*a*) Has the attention of the Hon'ble Minister in charge of the Public Health and Local Self-Government Department been drawn to the system of appointing honorary doctors for hospitals so successfully introduced in Madras? Has the same system been introduced in Bengal? If so, to what extent?

(*b*) Does the Hon'ble Minister intend to introduce the above system on a larger scale?

(*c*) If not, why not?

(*d*) How many honorary doctors have been appointed for hospitals in Bengal up to this date?

(*e*) Does the Hon'ble Minister concerned contemplate to appoint more honorary doctors in future?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The system of appointing honorary medical officers was first introduced in Bengal in 1914. It was at first confined to State hospitals in Calcutta but has later been extended to district hospitals.

I understand that the system was first introduced in Madras in 1923.

(*b*) and (*c*) Do not arise.

(*d*) Three hundred and fifty.

(*e*) Yes, as suitable occasions arise.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*d*), will the Hon'ble Minister be pleased to state in how many hospitals have these three hundred and fifty medical officers been employed?

The Hon'ble Mr. H. S. SUHRAWARDY: In all the District Sadar Hospitals in Bengal except in the 24-Parganas, the Chittagong Hill Tracts at Rangamati and Jalpaiguri.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state in what other provinces is this system in vogue?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware in how many other provinces this system is in vogue. I may state, however, that in Madras, where the system was introduced in 1923, they have got only one hundred and fifty-five such honorary doctors as against three hundred and fifty in our province.

Fees charged for forest products.

44. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether it is a fact that various fees charged by the Forest Department have been abnormally increased and new fees have been imposed in Chittagong since 1916 to the great hardship of the poor people?

(*b*) Is it a fact that in the United Provinces the Government has remitted various fees for the good of the people? Will the Hon'ble Minister kindly lay on the table a copy of the schedule of fees charged at present in Bengal for various forest products and for their transit?

(*c*) It it a fact that a conference of the Conservator of Forests and the members of the Legislative Assembly of Chittagong was recently held in Chittagong at which all the Indian members of the Legislative Assembly strongly recommended the reduction of the scale of present fees and remission of some of these fees? If so, is the Hon'ble Minister contemplating to give effect to these recommendations or to any of them? If so, to what extent?

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) The rates of royalty on forest produce in the Chittagong Division have been increased since 1916. The present rates are not a source of hardship to the people and when compared with the rates in force in other parts of Bengal, they are abnormally low.

(*b*) No information is available about any action taken by the United Provinces Government in the matter.

Copies of schedules of rates for forest produce in Bengal are placed in the Library.

(*c*) Yes; a conference was held at Chittagong on the 23rd April, 1938, at which certain members of the Legislative Assembly recommended reversion to the procedure and rates of 1916.

The measures which Government propose to take in the matter are still under consideration.

Mr. RANAJIT PAL CHOUDHURY: Is the Hon'ble Minister aware that the imposition of fees for catching fish in the Sunderbans area has caused great hardship to the local people there?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that this question does not arise out of the main question.

Mr. RANAJIT PAL CHOUDHURY: Why not, Sir? The subject of the question is "Fees charged for Forest produce".

The Hon'ble Khwaja Sir NAZIMUDDIN: No doubt, that is true, but it concerns the Chittagong Division only.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that the circumstances in Chittagong are quite different from those prevailing in other Divisions and so the rates there ought to be less?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It is undoubtedly less; I have already stated in my answer that the rates there are already abnormally low.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It has been put in the question that the "fees charged by the Forest Department have been abnormally increased", and the Hon'ble Minister's answer, in fact, admits that the fees have been increased since 1916. He has further stated in his reply, "the present rates are not a source of hardship to the people"; but my point is that they are a source of hardship to the people in view of the comparatively poor circumstances of the people of the Chittagong Division. Will the Hon'ble Minister kindly inquire into this matter?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir, this matter will receive the attention of Government.

Mr. RANAJIT PAL CHOUDHURY: With regard to (*a*), will the Hon'ble Minister be pleased to state whether it is a fact that various fees charged by the Forest Department have been abnormally increased and new fees have been imposed in Chittagong? Sir, I think I am perfectly in order.

Mr. PRESIDENT: The question relates to rates only in the Chittagong Division.

Mr. RANAJIT PAL CHOUDHURY: It is a sort of a general question regarding the Forest Department.

Appointment and promotion of Auditors and Inspectors.

45. Khan Bahadur MOHAMMAD IBRAHIM: Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) the number of inspectors and auditors appointed in the Presidency of Bengal during the period from 1932 to 1937;

(*b*) the number of inspectors appointed from the department by promotion;

(*c*) the number of inspectors appointed from outside;

(*d*) the number of auditors appointed from the department by promotion;

(*e*) the number of auditors appointed from outside;

(*f*) the number of inspectors and auditors appointed from each division;

(*g*) the number of inspectors by departmental promotion from each division;

(*h*) the number of inspectors from outside from each division;

(*i*) the number of auditors by departmental promotion from each division; and

(*j*) the number of auditors from outside from each division?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: A statement is laid on the table.

Statement referred to in the reply to question No. 45.

NUMBER OF INSPECTORS AND AUDITORS APPOINTED DURING THE PERIOD FROM 1932 TO 1937.

Name of Division.	Number of Inspectors appointed—		Total.	Number of Auditors appointed—		Total.
	by promotion.	from outside.		by promotion.	from outside.	
Presidency ..	1	1	2	1	3	4
Burdwan ..	..	1	1	1	2	3
Dacca ..	13	1	14	7	8	15
Chittagong ..	1	..	1	2	5	7
Rajshahi ..	..	..	..	1	2	3
	15	3	18	12	20	32

Maulana MUHAMMAD AKRAM KHAN (in Bengali): Sir, I want to put one question to the Hon'ble Minister; it appears from his reply that there are four auditors in the Presidency Division, three

in Burdwan Division and three in Rajshahi Division. Altogether there are ten in these three Divisions. Whereas in Dacca Division alone there are fifteen and taking Dacca and Chittagong together there are twenty-two. Now, what principle has been followed in this matter? Is it owing to the comparative inefficiency of the people of Burdwan, Presidency and Rajshahi Divisions or is it due to numerical proportion?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, these appointments have not been made on the district basis but they have been made on the provincial basis. Perhaps more suitable candidates have come from those areas.

Khan Bahadur NAZIRUDDIN AHMAD: Are we to understand that sufficient qualified candidates are not available in those three divisions?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is very difficult to risk an opinion but perhaps for these appointments the candidates that were appointed were more suitable than the candidates from other divisions.

Mr. KADER BAKSH: Will the Hon'ble Minister be pleased to lay on the table a statement showing the suitable qualifications for the post and state why and how the suitability was found absent in the case of candidates from the other three Divisions and what were the qualifications found in the candidates from the Dacca Division?

Mr. PRESIDENT: The question relates to number; so this does not arise. The hon'ble member may give notice if he so desires.

Short-notice question.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state (*a*) whether it is a fact that the political prisoners in the Dum Dum Jail have been on hunger-strike from the 7th August last;

(*b*) If so, how many have been on hunger-strike, and on what ground?

(*c*) What is their present state of health?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): The answer to (*a*) is in the negative and so the answer to (*b*) does not arise.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state how long will this method of passive resistance continue?

(No answer.)

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if there is any political prisoner in the Dum Dum Jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it is a case of cessation of hunger-strike or there was no hunger-strike at all?

The Hon'ble Khwaja Sir NAZIMUDDIN: No hunger-strike has taken place there.

GOVERNMENT BUSINESS.

The Bengal Repealing and Amending Bill, 1938.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I beg to give notice that at the next session of the Bengal Legislative Council I shall move that the Bengal Repealing and Amending Bill, 1938, as passed by the Bengal Legislative Assembly on the 29th July, 1938, be taken into consideration and passed.

Report of the Rules Committee.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to draw your attention to the fact that a Rules Committee was appointed by the House and on the 2nd April; the Committee was to have reported, but on that date a prayer was made by the Chairman for extension of the time by two months.

Mr. PRESIDENT: Order, order. I called out the name of the Deputy President the other day but he was not present and there was no prayer for an extension of time.

Khan Bahadur NAZIRUDDIN AHMAD: I may tell you that on Friday the 5th we had a sitting and we decided that as we could not finish our work, a little more industry was needed to finish it. We decided that the Chairman should pray for time. I believe that as no prayer was made on that day, the Committee has lapsed.

Mr. PRESIDENT: The Deputy President is absent to-day also; but so far as I remember the time for submission of the report was extended up to the 15th of July last and after that date the Committee had no right to sit of itself without further authority from this House. Will the hon'ble member please explain how could they sit in August without any authority from this House?

Khan Bahadur NAZIRUDDIN AHMAD: I offer an apology on behalf of myself. I was totally unaware of the fact that we exceeded our time. My apology is for being a living being, although I am dead.

Mr. PRESIDENT: There is no necessity of an apology. I would like the Chairman of the Committee to explain, but I am sorry he is absent. So far as I know, they completed their work and prepared their report at Darjeeling. Some Hon'ble Ministers were also members of the Committee. It was on the 3rd of June last that they completed their work and if anything further happened later on, I do not know. In any way, they could not meet after the 15th July. Of that I am certain.

Khan Bahadur NAZIRUDDIN AHMAD: We finished the main part of our work at Darjeeling; the drafting was not finished. It took all these months to consider the draft and report.

Mr. PRESIDENT: In a committee like this no report need be drawn up. Members are to decide about the rules. I understand from the hon'ble members that they decided on certain rules. If mere verbal alterations were necessary that could easily be done by the Secretary of the Committee. It is not required that the Committee should necessarily meet. If they came to certain decisions they must leave the drafting to the Secretariat.

Khan Bahadur NAZIRUDDIN AHMAD: That was to be done by the Chairman.

Mr. PRESIDENT: I think that can be done by the Secretariat even now and the report can be submitted to the House early, so that the rules may be taken up during this session for final decision.

Khan Bahadur NAZIRUDDIN AHMAD: It is a question of *functus officio*. The Committee should begin to function before it can submit its report. I pray that the same Committee be appointed.

Mr. LALIT CHANDRA DAS: New names should be selected.

Khan Bahadur NAZIRUDDIN AHMAD: Although for no fault of mine I look the guilty man. If it is a dead Committee, I have no objection.

Mr. KADER BAKSH: My friend is dead not personally, but along with the Committee. He cannot function. Any action done by that Committee will be absolutely illegal. Either the old Committee may be reappointed or an altogether new Committee may be formed.

Mr. PRESIDENT: Is the Hon'ble Finance Minister in a position to enlighten the House? He was a member of the Committee.

The Hon'ble Mr. NALINI RANJAN SARKER: It is true that we finished our labour at Darjeeling. But the revision was not quite up to date and the department was trying to finish it.

Mr. PRESIDENT: Revision in language or any vital revision on merit?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes; revision in language.

Mr. PRESIDENT: No vital revision can be done.

The Hon'ble Mr. NALINI RANJAN SARKER: We have already finished our deliberations so far as the rules are concerned.

Mr. PRESIDENT: Was it signed then?

The Hon'ble Mr. NALINI RANJAN SARKER: We signed some drafts but not the full report.

Mr. PRESIDENT: I cannot quite understand. So far as I know minutes are not required to be signed by members. I know an advance draft copy was sent to me. I found there was a dissentient note. A dissentient note can be submitted only on a report and not on a minute. In any way the Deputy President is not present to-day. Perhaps he would have been in a better position to explain, but it is now for the House to decide and fix a date.

Mr. KADER BAKSH: May I with your permission move that a new Committee be formed now because the old one have been absolutely unmindful of the task? A new Committee may be formed to sign the report or to revise that.

Mr. BANKIM CHANDRA DATTA: Sir, may I make a submission? We finished our labours at Darjeeling. All that remained was for the draftsman to make certain verbal alterations and as far as I know, that has been done. On the last occasion when we met rather informally to see if the views that were expressed there have been correctly put in, in one or two cases we made verbal alterations but not with the approval of the draftsman, as the draftsman happened to be absent. Then there were certain other sections which remained to be done. I do not think any good will come out of a new Committee, because that would really be going over the same ground again. I only wish that the Deputy President was here; perhaps he had been through all the sections and he suggested that in some cases the intention of the amendment has not been properly put. There was no quorum as the Hon'ble Minister in charge of the Revenue Department had to come away to attend the Assembly which was sitting at that time. Although we were meeting informally we thought we should not carry on. That was really the position.

Mr. PRESIDENT: Then you definitely suggest that a day may be fixed for the final work. If you formally move a motion to that effect, I shall request Mr. Kader Baksh not to press his motion.

Rai KESHAB CHANDRA BANERJEE Bahadur: Mr. Kader Baksh suggested that a new Committee should be formed. Is it his idea that the members of the Committee should go up to Darjeeling and sign the report?

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I, Sir, make one observation? I should like to know the reasons which should lead us to come to the conclusion that the Committee have ceased to exist. It may be that they have not submitted their report within the scheduled time, I mean the time that was prescribed, but I should think that that does not annihilate the Committee outright.

Mr. PRESIDENT: That is not the point. The point at issue is whether fresh time should be given to the Committee for submitting their report. After the 15th of July, the last date for submission of the report, they could not hold their sittings on their own initiative, without fresh extension of time by the House.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: But, Sir, there has been a proposal, and it appears that you have admitted that proposal in a manner, that a new Committee should be formed. That, Sir, perhaps, was Mr. Kader Baksh's contention. How could that proposal be made?

Mr. PRESIDENT: I do not think that he was serious in his proposal that a new Committee should be formed, and I hope that he will not press for it.

Mr. KADER BAKSH: I do not press for it, Sir.

Mr. PRESIDENT: The only point raised was that after the 15th July, without any fresh authority from this House, that Committee had no right to sit. Certainly, the House is now fully entitled to extend the time for submission of the report.

Mr. LALIT CHANDRA DAS: Can the House extend the time now, when the prayer for further time was not made by the Committee before the expiry of the 15th July? I submit, Sir, that after the expiry of the 15th July, the Committee was *functus officio*.

Mr. PRESIDENT: No, no. Certainly the request for an extension of time is in order. As a matter of fact, the House was not sitting at that time. I hope, Mr. Datta will now formally move his motion.

Mr. BANKIM CHANDRA DATTA: I formally move the motion for an extension of time.

Mr. PRESIDENT: You want this extension of time for having the report signed by the different members and for making some verbal alterations incorporated in it? How many days do you want?

Mr. BANKIM CHANDRA DATTA: I want an extension of time till Tuesday next, the 16th of August.

Mr. PRESIDENT: The only point to consider is that the report must be submitted in time, so that this House may take up the discussion of the rules shortly, as, otherwise, we shall have to wait for another session.

Mr. BANKIM CHANDRA DATTA: Sir, on second thoughts, I should like to have an extension of time till next Friday.

The Hon'ble Mr. NALINI RANJAN SARKER: I think, Sir, Friday will be the most suitable date, for the report will have to be printed and circulated.

Mr. PRESIDENT: May it not be submitted to the House before Friday?

The Hon'ble Mr. NALINI RANJAN SARKER: Without printing you mean, Sir?

Mr. PRESIDENT: Yes, why not? A typed copy of the rules will certainly do.

Mr. BANKIM CHANDRA DATTA: In that case, Sir, I think Wednesday next will do. I believe we shall be able to finish the work by Tuesday.

Mr. PRESIDENT: Then you propose to submit your report on the 17th which is Wednesday, and since you require only a formal sitting, I do not think that a later date than Wednesday should be necessary.

Mr. BANKIM CHANDRA DATTA: Yes, Sir. We require only one sitting. The only trouble is that I cannot get hold of the Deputy President here; otherwise I could immediately say what time is exactly necessary for the purpose. In any case, Sir, please give us time till Wednesday next.

Rai KESHAB CHANDRA BANERJEE Bahadur: Mr. Datta, Sir, has suggested that the time be extended till the 17th, but according to present information, the Council is not likely to meet for more than two days, i.e., on Monday and Tuesday next.

Mr. PRESIDENT: But the motion should be moved formally.

Rai KESHAB CHANDRA BANERJEE Bahadur: I submit, Sir, that there are only two more days for the Council in which to dispose of this business.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY of Santosh: Sir, may I propose that courtesy demands that this matter should be finally settled as to what extension of time is actually required for submitting the report? It is immaterial whether this Council is sitting or not at that time. I submit that this matter be put off till Monday next when we may expect the Deputy President, who is the Chairman of the Committee, here, and he, after consultation with the various members of the Committee, might be in a position to give us the exact date by which this report might be made available without asking for any further extension of time. One extension has already been granted, and we are now asked to grant another extension, about which, too, the mover is not definite. And I think it may so happen that the additional time which will now be granted may even not be sufficient for our purpose.

Mr. PRESIDENT: My difficulty is that this matter was definitely put down on the agenda on Monday, the 8th of August. If I remember aright, on that day the Deputy President was not present. I found him present the next two days the Council met, but he did not present the report nor prayed for extension of time. As there is no certainty that he will be present on Monday next, all I can suggest is that he should take the earliest possible opportunity to present the report, or ask somebody else on his behalf to do so. It will be a legitimate grievance of this House if the rules could not be passed during this session. Since I find that a motion has been moved for an extension of time till Wednesday next by Mr. Bankim Chandra Datta, who is a member of the Committee, I think the House should very well approve of it. In the meantime, the Deputy President, if he wishes, may consult the members of the Committee as regards expediting the matter.

The question before the House is that an extension of time be granted to the Rules Committee to enable them to submit their report on Wednesday, the 17th August, 1938.

The motion was agreed to.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. It appears from List No. I(*c*) that certain questions were due for answer on the first day of our meeting, namely, the 8th August; to-day is 12th, and we have not got any replies to them.

Mr. PRESIDENT: I understand that replies have not yet been received. However, we shall enquire into the matter.

The Bengal Tenancy (Amendment) Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the recommendation of His Excellency the Governor contained in his message be considered in detail.

Mr. PRESDENT: Motion moved that the recommendation of the Governor contained in his message be considered in detail.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Mr. President, Sir, but for the fact that the proviso of section 75 of the Government of India Act is mandatory, so far as it relates to the duty of the Provincial Legislature when a Bill is sent back to it by the Governor of the province for reconsideration, I would have expressed my surprise at the silent acquiescence of the Assembly in the Governor's recommendations. Perhaps, another fact, namely,

that they were luckily asked to surrender only a bit of their spoil had a sobering effect on them. Anyway, those of us who honestly believe that the provision for suspension of the right to enhance rent for ten years, even when an area not included in the tenancy of a tenant is found to be in his possession, is a convincing proof of the expropriatory nature of the Bengal Tenancy (Amendment) Bill of 1938, cannot but welcome the change effected by His Excellency. Section 21 of the Bill is undoubtedly a serious invasion of the landlord's ownership which was recognised and guaranteed by Regulation I of 1793. The right of the landholder to create a tenancy on fair terms was irrevocably given to him by section 52 of Regulation 8 of 1793. This definite power, given to the landholders in the terms of the Permanent Settlement, was specifically explained in section 31 of Regulation 2 of 1819.

Sir, although His Excellency's message, which you have read out to this House, does not go beyond describing the references to section 52 of the Bengal Tenancy Act of 1885 in clause 21 of the Amending Bill under review as "inappropriate and illogical", there is nothing to show that His Excellency has come to any conclusion as to whether or not clause 21 of the Bill or the cumulative effect of the various provisions of the Bill alters the character of the Permanent Settlement and brings it under the category of measures referred to in paragraph XVII (*d*) of the Instructions to Governor issued under the Government of India Act of 1935. I make bold to say that what His Excellency has done does not preclude him from considering that side of the picture; for I take it that the altered Bill must be, irrespective of everything else, presented to him for sanction under section 75 of the Act, giving His Excellency another scope to review the Bill in respect of all its details to fulfil his constitutional obligation. I may, therefore, be permitted to briefly develop my point in my endeavour to characterize the altered Bill as a type of legislation which comes under the operation of the Instructions to the Governor to which I have already referred.

Under Regulation I of 1793, the landlord and not the tenant has been irrevocably accepted as the actual proprietor of the soil. It recognized beyond the shadow of a doubt his absolute ownership. Full ownership is inseparable from the right to originate, organise and constitute a tenancy on an equitable basis. Any attempt to invest the tenant with a statutory right to transfer his land to another person without the consent or concurrence of the acual proprietor of that land, is tantamount to a serious infringement of the fundamental conception of proprietary right. The limitation of the tenant's right to transfer, is, therefore, inevitable. It is undeniable that the Permanent Settlement recognized the inherent right of the actual proprietor to prevent a tenant from being thrust on him against his wish. The Bill proposes to take away this valuable right from the landholder,

although by law and contract it belongs to him, without any compensation whatsoever. Similarly, another important right in land, viz., the right of pre-emption, is being taken away from the landholder without any compensation and given to the tenant's co-sharer. The landlord is thus penalized and the transferring tenant gets no benefit out of it. Another serious invasion of the landlord's ownership is the suspension of the right to enhance rent for ten years. Can there be any doubt, I seriously ask, that all these provisions are repugnant to the obligations entered into in pursuance of Regulation I of 1793? Can it be denied that these inequitable and unfair provisions materially alter the basic principles on which assessment was fixed and agreed upon under the Permanent Settlement, inasmuch as it has a direct relation to the "actual produce" of the land? It is undeniable that if the expropriatory provisions of the Bill are not removed, they are bound to reduce the value of the actual produce of the land as defined in Regulation I of 1801. May be, the Permanent Settlement contemplated future legislation for the "protection" and "welfare" of the cultivators of the soil without, of course, doing away with the Crown's contractual obligations or the ownership of the landlord, but, I think, I was able to prove in my minute of dissent of March 9, 1938, that the beneficiaries of those provisions of the Bill are not all cultivating tenants. Anyway, there cannot be any doubt that the cumulative effect of the various provisions of the Bill will unjustly deprive the landholder of many of his ownership rights and reduce him to the position of a qualified owner instead of being a full owner as contemplated by Regulation I of 1793 and thus violate the fundamental principle of that Regulation. Relying on paragraph 79 of the report of the Joint Select Committee, we landholders may reasonably claim that with reference to an expropriatory legislation like the one under review, we shall be treated as a "minority community" and as such, I ask in the name of justice and equity for special protection against the invasion of our "legitimate interests". I have quoted the very words that occur in that paragraph of the report of the Joint Select Committee "legitimate interests". I seek protection in the hands of those who are capable of giving that protection against the invasion of our legitimate interests.

Sir, one word more and I have done. In gratefully accepting the change which His Excellency the Governor has recommended, I on behalf of the landholders appeal to His Excellency to withhold his assent from the altered Bill when it is presented to him for his assent under section 75 of the Government of India Act of 1935, or return the Bill again to the local Legislative Chambers to reconsider all the objectionable provisions. If that is not possible, I appeal to His Excellency to reserve it for the consideration of the Governor-General, as I sincerely believe that he will be pleased either to withhold his assent from the Bill, or return it to the local Legislative Chambers

to reconsider all the objectionable provisions, or reserve it for the signification of His Majesty's pleasure in respect thereof. We sincerely expect legitimate relief without being driven to the Federal Court for a decision in relation to the momentous issues involved in our case.

I will, if I may, sound a note of warning to the present Ministry in Bengal not to stand in the way of an honourable compromise between the tenants and the landholders. Let them bridge up the gulf artificially created between them and let them take a straight and broad way to such a direction. Otherwise I can tell them once again that they will be playing in the hands of the Communists.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I find that the Maharaja of Santosh has repeated some of the arguments that he advanced when the Bill was considered in detail by this House in the last session. As regards the warning he has given us, I simply repeat that he and other landlords may kindly take the same warning. The Ministry is anxious to bridge the gulf between the landlords and the tenants. This Bill, however unpalatable it may be to the landlords at present, will ultimately guarantee their interest and will bring about better understanding between the landlords and the tenants. That better understanding is to my mind the greatest safeguard to the landlord's interest against Communism and in view of that I hope that my hon'ble friend will not press his objection.

Mr. PRESIDENT: The question before the House is that the recommendation of the Governor contained in the message be considered in detail.

The motion was agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the following amendment recommended by the Governor be passed, namely:—

"(*i*) that sub-clause (2) of clause 1 of the Bill be omitted."

Mr. PRESIDENT: Order, order. You move both together.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the following amendment recommended by the Governor be passed, namely:—

(*ii*) that in clause 21 of the Bill the words, figures and brackets "(including section 52)" wherever they occur, be omitted.

Mr. HUMAYUN KABIR: Mr. President, you asked the Hon'ble Minister to move both the amendments together while he had himself wanted to move them one by one. With regard to (*ii*) I have no comments to offer, but in respect of (*i*) "that sub-clause (*2*) of clause 1 of the Bill be omitted", I would like to move an amendment.

Mr. PRESIDENT: Amendments are not allowed. If you will please refer to His Excellency's recommendation, you will find that it has been definitely stated there that "In pursuance of the provisions of the proviso to section 75 of the Government of India Act, 1935, I, Robert Neil Reid, Governor of Bengal, do recommend to the Bengal Legislative Chambers that they do amend the Bengal Tenancy Amendment Bill, 1938, by the adoption, *without further amendments*, of the two following amendments," that is to say, two specific amendments are suggested by the Governor himself and no amendments are allowed. You are either to accept them or to reject them.

Mr. HUMAYUN KABIR: We cannot move any amendment but we are quite at liberty to express our opinion about it.

Mr. PRESIDENT: Motion moved—

(*i*) that sub-clause (*2*) of clause 1 of the Bill be omitted, and

(*ii*) that in clause 21 of the Bill the words, figure and brackets "(including section 52)", wherever they occur, be omitted.

Mr. HUMAYUN KABIR: Sir, since under the rules no amendments are possible, we have either got to swallow the whole thing or refuse the whole thing. I do not propose to move any amendment, neither do I propose to oppose the amendment, because my opposing it would only mean further hindrance to the passage of the Bill, while it is the desire of everyone of us that it should be made into an Act as soon as possible. I would, however, express the feelings of some members, not only on this side of the House but on that side of the House as well, that this Bill should come into operation as early as possible. It was for this reason alone that originally a particular date was stated by which it was to come into effect. Certain legal difficulties have been pointed out by His Excellency. It has been suggested that since the 31st of May has already passed, legal difficulties may arise. Since the Cabinet is sure that this Bill is going to be passed into law very soon (in one case "the 12th August" was mentioned and in another case the date mentioned was "before the end of this month"), I was going to suggest that if we fix a specific date, say two months from that date, i.e., 14th October which will be equivalent to the beginning of the second half of the Bengali year, I think it will give sufficient time to the Ministry to pursuade His Excellency to give assent to this Bill. As yet there is no assurance that the assent would

be given; the recommendation of the Governor does not by itself indicate that he is bound to give assent. I suggest that the Ministry should, therefore, give us an assurance that they will try to secure the assent of the Governor so that the Bill will become an Act by the 14th October. If an assurance like that is given, I would accept it and say nothing futher on the subject. If the Cabinet feel assured that His Excellency will give his assent and the Bill will become an Act by the 14th October or even by the 31st December next, I will have nothing further to say.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, when the Hon'ble Chief Minister spoke very recently in another place—although inside this very building—on a very memorable occasion, he made it absolutely clear that he expected the assent very soon—though he could not positively guarantee it—since the thing lay in the hands of His Excellency the Governor. He however said that he was almost sure that assent would be given to the Bill within a week of the passage of the amendments. I think the Chief Minister can be trusted—in a matter like this—to mean what he says and to say what he means. I therefore fail to see why we should be pessimistic and mentally try to postpone the realization of our aims till the end of October or December, this year or next year. I think we are going to have the assent to the Bill within about a week. We do not want to change the date neither can we do so under the rules.

Mr. KADER BAKSH: I think the assent is as good as given.

Mr. PRESIDENT: Order, order. I do not like to interrupt hon'ble members. As a matter of fact it seems that all the speeches are irrelevant to the point at issue. The Governor in his discretion has sent this Bill and in his discretion he has said that no amendments will be allowed. It is open to the House either to accept or to reject it. There is not much room for arguments.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have an observation to make with regard to (*ii*). The Governor wants to omit the word "including section 52" wherever they occur, on the ground that they are inappropriate and illogical. This defect was detected in this House and as a matter of fact, I had submitted a short-notice amendment for the removal of the defect, but for reasons best known to the Ministry it was not accepted by them. If that were accepted, this difficulty would not have occurred and there would have been no occasion to send it back to the Council on the ground of illegality. But when there is an assurance in the Governor's message that abuses of section 52 will be stopped, I think there is no objection to accept the recommendations of the Governor.

Mr. KADER BAKSH: When His Excellency sends recommendation to this House for amending only two clauses, it is tantamount to giving his assent to the other clauses. In any way it seems that the Governor has no objection to the other clauses of the Bill save and except these two. It is absolutely certain that the assent of the Governor will be given within a short time.

Mr. PRESIDENT: You have every right to make your assumption as the Maharaja of Santosh has his right to make his assumption.

The question before the House is—

(1) that sub-clause (2) of clause 1 of the Bill be omitted;

(2) that in clause 21 of the Bill the words, figure and brackets "(including section 52)" wherever they occur, be omitted.

The motion was adopted.

Supplementary Budget.

The Hon'ble Mr. NALINI RANJAN SARKER: Under section 81 of the Government of India Act of 1935, I beg to present a supplementary estimate of expenditure that will be necessary during the ensuing year. The total amount of anticipated expenditure is Rs. 48,47,000 of which Rs. 38,35,000 is voted and Rs. 10,12,000 is charged. The total demand is composed of six items of which the biggest item is for Rs. 30,00,000 on account of loans to the agriculturists for the damage of crops due to floods and things like that. There is another demand for Rs. 1,00,000 for the Publicity Department for which the full scheme is not yet ready and probably it will be withdrawn at the next meeting of the Assembly.

I do not wish to waste the time of the House to-day, but at the time of the general discussion I shall explain everything that may call for explanation.

Mr. LALIT CHANDRA DAS: Copies have not been distributed yet.

The Hon'ble Mr. NALINI RANJAN SARKER: They will be distributed just now.

Government Resolution.

The Hon'ble Mr. H. S. SUHRAWARDY: I beg to move that the Council is of opinion that it is desirable that—

(*i*) trade and commerce within the province in drugs and medicines;

(*ii*) the production, supply and distribution of drugs and medicines;

(*iii*) the adulteration of drugs and medicines;

(*iv*) fees in respect of the matter mentioned in clauses (*i*) to (*iii*).

(*v*) inquiries and statistics for the purpose of the matters mentioned in clauses (*i*) to (*iv*);

(*vi*) offences against laws with respect to the matters mentioned in clauses (*i*) to (*v*);

(*vii*) jurisdiction and powers of courts with respect to the matters mentioned in clauses (*i*) to (*vi*);

which are among the matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature.

In 1930 there was a Drugs Enquiry Committe. It toured the whole of India and thereafter submitted a very detailed report. In that report it recommended that the Central Government should undertake legislation in respect of drugs and medicines for the purpose of regulating their trade and commerce as well as their production, supply and distribution. The Central Government, Sir, was reluctant to take up the matter, but, on representations made by some of the provinces as well as by the interests concerned, the Central Government has agreed to take up this matter, provided that the various Provincial Legislatures pass resolutions authorising the Central Government to do so under section 103 of the Government of India Act of 1935. Accordingly, the Central Government has sent round to all the Provincial Governments an identical resolution on these terms so that these various Chambers may pass the resolution in this manner. I hope, Sir, that all the members will realise that this is of vital necessity, and that we should at the earliest possible opportunity authorise the Central Government to take up this matter.

Mr. PRESIDENT: The question before the House is that this Council is of opinion that it is desirable that—

(*i*) trade and commerce within the province in drugs and medicines;

(*ii*) the production, supply and distribution of drugs and medicines;

(*iii*) the adulteration of drugs and medicines;

(*iv*) fees in respect of the matters mentioned in clauses (*i*) to (*iii*);

(*v*) inquiries and statistics for the purpose of the matters mentioned in clauses (*i*) to (*iv*);

(*vi*) offences against laws with respect to the matters mentioned in clauses (*i*) to (*v*);

(*vii*) jurisdiction and powers of courts with respect to the matters mentioned in clauses (*i*) to (*vi*);

which are among the matters enumerated in the Provincial Legislative List, should be regulated in this province by an Act of the Federal Legislature.

The motion was agreed to.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to submit, Sir, the programme of work for this House during the next week. It is that discussion of the White Paper on retrenchment be fixed for Monday, the 15th instant, that of the Official Receivers' Bill for Tuesday, the 16th, and that the general discussion on the Budget Estimates for Wednesday, the 17th. So far as Friday, the 19th, is concerned, I shall make an announcement on Monday, the 15th August.

Mr. PRESIDENT: Order, order. I shall now adjourn the House.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 15th August, 1938.

Members absent:

The following members were absent from the meeting held on the 12th August, 1938:—

(1) Benthall, Sir E. C.
(2) Khan, Khan Bahadur Muhammad Asaf.
(3) Lamb, Mr. T.
(4) McFarlane, Mr. J.
(5) Mookerji, Dr. Radha Kumud.
(6) Mukherji, Rai Bahadur Satis Chandra.
(7) Ormond, Mr. E. C.
(8) Roy, Rai Bahadur Radhica Bhusan.
(9) Shamsuzzoha, Khan Bahadur M.
(10) Sinha, Rai Bahadur Surendra Narayan.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

— THE COUNCIL met in the Legislative Chamber of the Legislative Buildings, Calcutta, on Monday, the 15th August, 1938, at 2-15 p.m., being the fifth day of the Second Session, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTION AND ANSWER

Kunti and certain other bridges in the district of Hooghly.

46. Rai MANMATHA NATH BOSE Bahadur: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware that the Kanti Bridge on the Grand Trunk Road at Magra in the district of Hooghly has been under repairs for a pretty long time, and goods in lorries have to be transhipped on both sides causing great inconvenience and loss to the public and the traders? Can the Government give an idea as to when the repairs will be completed?

(*b*) Is the Government aware that the bridge on the Grand Trunk Road in Saptagram in the district of Hooghly is also defective and goods are being transhipped on both sides? Has any estimate been prepared for the repairs of the said bridge? If so, when are the repairs likely to be taken up and by what time will they be finished?

(*c*) Is the Government aware that the bridge on the river Saraswati in the district of Hooghly within Bansberia Municipality is closed to wheeled traffic? If so, for how long is the road and bridge to be closed to wheeled traffic causing great inconvenience and difficulties to the public? Is there any chance of the bridge being repaired? If so, do Government propose to dismantle the bridge and place a ferry there or do they propose to make over the bridge to the District Board of Hooghly? If not, why not?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) Yes, the bridge is under reconstruction. The work is expected to be completed before the next rains.

(*b*) The rough estimate for reconstruction of the existing Saraswati Bridge is being examined in the office of the Chief Engineer, Bengal.

The work is expected to be taken up this cold weather and completed by the end of the next financial year.

(*c*) This is a work to be done by the Bansbaria Municipality. The detailed estimate which only requires to be approved by this department is being awaited at present from the Commissioner, Burdwan Division.

Regarding the question of dismantling the bridge and replacing it by a ferry or making over the bridge to the District Board of Hooghly, the question does not arise as the bridge is not under the control of this department.

Mr. NARESH NATH MOOKERJEE: Before we take up the business of the day, may I point out that many questions which have been admitted have not yet been answered? As we are likely to have a short session, the answers should be expedited so that they may come up before the House and not left over for the next session.

The Hon'ble Mr. NALINI RANJAN SARKER: I shall enquire into the matter and see what can be done to expedite things.

Mr. RANAJIT PAL CHOUDHURY: May I submit that we are coming to the end of our session, but we have not yet been allowed a day for private members' Bills or resolutions?

Mr. PRESIDENT: Government have not yet given any indication as to when the session is going to be closed.

The Hon'ble Mr. NALINI RANJAN SARKER: We have received a request for allowing a day for the non-official Bills and a day more for resolutions. Government are considering that and I shall be able to make a statement to-morrow.

Resolutions of the Privilege Committee.

Mr. HAMIDUL HUQ CHOWDHURY: I beg to place the following resolution passed by the Committee of Privileges on the 12th August, 1938, for the consideration and acceptance of the House:—

> "In view of the statement made by the Hon'ble the President, the Committee of Privileges strongly condemn the reflection cast on the conduct of the President of this House by the editors of the *Hindusthan Standard* and the *Ananda Bazar Patrika* on the 5th August last in violation of the privileges of the House and recommend to the House that it should demand an unqualified and ample apology from the editors of the papers concerned."

Mr. PRESIDENT: The question before the House is that in view of the statement made by the Hon'ble the President, the Committee of Privileges strongly condemn the reflection cast on the conduct of the President of this House by the editors of the *Hindusthan Standard* and the *Ananda Bazar Patrika* on the 5th August last in violation of the privileges of the House and recommend to the House that it should demand an unqualified and ample apology from the editors of the papers concerned.

The motion was agreed to.

Mr. HAMIDUL HUQ CHOWDHURY: The other resolutions which have been recommended to this House are:

> (1) That this House being an integral part of the Legislature, claims that whenever and wherever members of the Legislature are nominated on the different public bodies, the Council shall be given an equal representation and that whenever such representations are given by election, both the Houses of the Legislature shall be called upon to elect an equal number of representatives.

I move that it be accepted.

Mr. PRESIDENT: Motion moved: that this House being an integral part of the Legislature, claims that whenever and wherever members of the Legislature are nominated on the different public bodies, the Council shall be given an equal representation and that whenever such representations are given by election, both the Houses of the Legislature shall be called upon to elect an equal number of representatives.

The Hon'ble Mr. NALINI RANJAN SARKER: Cannot this resolution be taken up afterwards as the Minister in charge is absent?

Mr. HAMIDUL HUQ CHOWDHURY: In that case I shall move both the resolutions afterwards.

Mr PRESIDENT: This and the next one may be moved later.

Mr. SHRISH CHANDRA CHAKRAVERTI: On a point of information, Sir. Is it a fact that the Hon'ble Mr. Nalini Ranjan Sarker has become the Leader of the House?

Mr. PRESIDENT: Yes, Government have appointed him.

Mr. Nur Ahmed gave notice of a motion under section 118 of the Rules and Standing Orders of presenting an address to His Excellency the Governor for allotting a day for discussion of the recommendations of the Retrenchment Committee, but I find that the Government have already allotted to-day for the discussion of the White Paper on the recommendations of the Retrenchment Committee, 1932, and of the decisions taken thereon. So the House will now discuss those recommendations and the decisions of Government.

Mr. HUMAYUN KABIR: So far as the motion itself is concerned, it is to the effect that a day may be allotted. We are not ready yet.

Mr. PRESIDENT: As I have already explained, the hon'ble mover wanted to present an address to His Excellency for the allotment of a day. Government have already allotted to-day. What I suggest is that the discussion of the retrenchment proposals may be taken up to-day. If some member commences the discussion now, it can be continued on the next day.

Mr. LALIT CHANDRA DAS: I can proceed with it immediately.

Mr. PRESIDENT: I realize the difficulty of the members who are not prepared for the discussion to-day.

Mr. SHRISH CHANDRA CHAKRAVERTI: It would be better if we postponed it as suggested. But if the discussion is initiated, it might be carried over till to-morrow.

Mr. PRESIDENT: Those members who are not prepared to-day may take part in the discussion next day. It is the only item in the agenda to-day.

Mr. HUMAYUN KABIR: May I take it that it will be taken up to-morrow?

Mr. PRESIDENT: Mr. Sarker, the notice was in the name of Mr. Nur Ahmed to the effect that an "address be presented to His Excellency to allot a day to discuss the White Paper on recommendations of the Retrenchment Committee." Government have already allotted to-day. As some members are not ready for discussion of the retrenchment proposals to-day, I suggest that discussion may be initiated to-day and continued till the next day.

Mr. BANKIM CHANDRA DATTA: I understand Mr. Lalit Chandra Das is very anxious to speak.

Mr. HUMAYUN KABIR: May we not finish the Privilege Committee's resolution before we take the discussion up, as the Hon'ble Minister is present now?

Mr. HAMIDUL HUQ CHOWDHURY: I move that pending the final arrangement for a separate Library, if necessary, it be recommended that the existing Library shall be under the joint control of the Council and the Assembly in order to give proper facilities to all members of the Legislature.

The Hon'ble Khwaja Sir NAZIMUDDIN: First of all, I would submit to you that in my opinion it is not a question of privilege at all.

Mr. PRESIDENT: The House had already referred this matter to the Privilege Committee. You should have raised this objection at an earlier stage. It is too late now.

The Hon'ble Khwaja Sir NAZIMUDDIN: If you will permit me to make my submission, I may state that the usual parliamentary practice is that whenever a question of privilege is raised, it must go to the Privilege Committee without any discussion on the merits of the question, whether it is a privilege or not. As far as I have been informed, this salutary principle was introduced in the House of Commons at a time when the Irish Nationalist members were trying to obstruct Government——

Mr. PRESIDENT: Much earlier than that.

The Hon'ble Khwaja Sir NAZIMUDDIN: At that time members used to get up and raise the question of privilege and the House of Commons under its Rules and Standing Orders, without discussion or

without voting, referred the matter to the Privilege Committee. After the Privilege Committee have reported, it is for the House to consider whether the question that has been raised is really a question of privilege and whether any action should be taken on it.

Therefore, I would like to submit to this House that had Government taken any objection at that time on the point whether the question is one of privilege, it would have been ruled out of order by you, Sir, on the ground that the matter is one which should be investigated by the Privilege Committee before it came to a decision, and the report of the Privilege Committee would again have been the subject-matter of discussion in this House. Therefore no objection was raised.

Now, Sir, apart from that I would like to point out that the resolution which has been placed before this House by the Deputy President for consideration is one which it is practically impossible to give effect to. I may cite concrete cases where Government have to nominate only one person. It is difficult, therefore, to insist that there must be two nominations, one from the Council and the other from the Assembly. Then, supposing Government have to appoint a Committee which is to consist of experts only, it cannot be argued that there must be representation of both the Houses on it, because the Expert Committee will want only those who have got special knowledge of the matter, and it may be that there may not be one either in the Assembly or in the Council possessing any expert knowledge.

Then thirdly, Sir, the question that has been raised is not one which concerns the privileges of members of this House only, but is one that concerns both the Chambers. Here again difficulty may arise. The Legislative Council may want a Committee to consider a question consisting of members of the Council only. They may think that this is a matter on which they should like to get an opinion from members of this House only. But if the resolution as proposed is accepted, it would mean that we would have to give representation to the members of the Legislative Assembly as well.

Then take the case where Government nominate people for the purpose of making selections, making appointments, e.g., there is the question of Committees for selecting candidates for the Imperial Police Service Examination, the Bengal Civil Service Examination and so on, in which it is not always possible to give equal representation.

Further, by this resolution you are going to place restrictions on the exercise of choice by Government. The object of a privilege is never to place restrictions on the Executive. Here by claiming such a privilege you are going to obstruct Government functioning in their executive capacity. You are going to force them to nominate persons whom, in the opinion of Government, it may not be necessary to nominate.

When I am making this statement I would like the House to remember the wording of the resolution. It affects the Assembly as well as the Council, and when I say that the Government may not want any person from any one of these Houses, it does not always mean that it will be the Legislative Council. It may be that in a particular matter you may not wish the Government to give any representation to the Assembly, thinking that it is a matter in which the Council only should be represented. But if the resolution that has been proposed is accepted in its present form, it would be practically giving a mandate to Government that they must give equal representation to the Assembly and the Council alike.

Last of all, the fundamental principle of privilege is that it must be applicable to both the Houses or acceptable to both the Houses. There cannot be a privilege of one House only. Now, the question that has been raised is a controversial one in that it cannot be said what would happen if the Assembly did not accept this resolution even though this House does.

Mr. PRESIDENT: Order, order. The Hon'ble Minister is wrong in saying that the privileges of both the Houses must be all alike. As a matter of fact each House has its own privileges. In this connexion I would refer the Hon'ble Minister to page 78 of May's *Parliamentary Practice* "Either House may adjudge that any act is a breach of privilege and contempt."

So far as the British Houses of Parliament are concerned, each House has its own privileges. Most of the privileges are based generally on ancient usage and custom. Privileges may also be created by Statutes and Rules, and each House has got to maintain its own position and dignity singly and not jointly.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I fully agree with what you have observed, and I am afraid that I have conveyed a wrong impression. What I wanted to convey is that while the two Houses have separate ways of considering a question of privilege, the privileges are common, and that a privilege can arise not because one is a member of the House of Lords or of the House of Commons, but because he is a member of the Parliament as consisting of both the House of Lords and the House of Commons.

Mr. PRESIDENT: I do not like to interrupt the Hon'ble Minister, but I must make it clear that so far as the House of Lords is concerned, it is a Court of Record, it has larger powers than the House of Commons so far as matters of privileges are concerned. Either of the Houses of the British Parliament has its own privileges.

The Hon'ble Khwaja Sir NAZIMUDDIN: Then again, Sir, I would submit that privileges are claimed on the basis of inherent rights and customs which have come down from antiquity. You cannot create a privilege. There has been——

Mr. PRESIDENT: Order, order. I should like to ask the Deputy President certain question. My impression was that since this matter had come up before this House as a privilege motion, this was referred to the Committee of Privileges previously. Was not this matter discussed in this House previously?

Mr. HAMIDUL HUQ CHOWDHURY: The question was raised in this House on a previous occasion and you, Sir, stated that this being a matter of privilege, should first be referred to the Privilege Committee for examination, and that only after that it might be considered and discussed by this House.

Mr. PRESIDENT: Order, order. The difficulty is that there are two different methods of procedure. The question of privileges must always be raised in the House. It is either the President who on his own initiative refers it to the Privilege Committee, or the House which by a resolution commits it to the Privilege Committee for report. Even though the Privilege Committee decides the matter as a privilege and reports it to the House, the Council has ultimately to adjudicate whether to accept the report or not. The House can pass any resolution they like, they are not bound to accept the decision of the Privilege Committee. Ours being a new House, there might have been some irregularities in procedure, but let us create regular healthy conventions on these matters. Whatever matter is discussed by the Privilege Committee, it should be on reference from the Council on a motion formally moved and carried. Anyway, I should like to have the views of the other members also.

Mr. HUMAYUN KABIR: If I might be permitted to say a few words by way of helping you, I would ask you, Sir, to go back to the date on the last session when I raised the matter of nominations of members of this House, and under your instructions I moved a formal resolution that in that case the question of privileges of this House should be referred to the Privilege Committee and accordingly this matter was referred to the Privilege Committee which met and discussed with the result that this resolution is before the House.

Mr. PRESIDENT: So may I take it that this matter was referred to the Privilege Committee by a formal resolution, moved and carried in the House?

Mr. HUMAYUN KABIR: Yes, Sir, that is the position.

Mr. PRESIDENT: Then, certainly, it is in order, though the House is not bound to accept the recommendation of the Privilege Committee. It may either accept it as it is, or amend it, or reject it altogether. The discussion of the resolution is quite regular, because the same matter was once brought before this House and the Chair referred it to the Privilege Committee for its report. Is that so?

Mr. HUMAYUN KABIR: Yes, Sir.

Mr. HAMIDUL HUQ CHOWDHURY: May I make the position still more clear? The privilege Committee, on this matter being referred to them, approached this question from different points of view and on their being satisfied that this matter was one of privileges of members of this House, reported in the affirmative.

Mr. PRESIDENT: The Chair decides that in future all such matters of privilege will first be mentioned in the House and then either at the instance of the Chair, or on being formally moved and carried in the House, will be considered by the Privilege Committee.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I enquire, Sir, when should an objection be raised as to whether a particular matter refers to a question of privilege?

Mr. PRESIDENT: Objection can be raised at the very outset and if the Chair is satisfied that the matter is not one for the Privilege Committee to consider, then the Chair will disallow the motion; or it may be raised in the Privilege Committee itself or even subsequently in the House when the recommendation of the Privilege Committee will be finally discussed and decided by the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I just be permitted to finish, Sir, with some concluding remarks? I would like the House, Sir, to consider one point. Parliament has never claimed to create any new privileges but has the power to declare what is the law of the land with respect to privileges, and has also the power to say what is the law of privileges. Now, Sir, it may be argued that hitherto in Bengal there were never two Houses and consequently what the privileges are of the members of the two Houses had never been considered before. But it is an accepted principle that you cannot create new privileges. Therefore, it is necessary to show that in countries where there are two Houses, such a privilege exists. No one can deny that if you claim privileges, they must be akin to the recognised privileges enjoyed either by a House or by the members of a House in other countries, where two Houses exist.

Mr. RANAJIT PAL CHOUDHURY: But they may create new privileges.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, you cannot create new privileges, and I think it is an accepted principle. We have got to see whether the privilege which has been claimed here, and which is the basis of this resolution, exists in England where when Government appoint a Committee, they give equal representation to both the Houses on it. I do not remember of the various Commissions which have come out from England to India having equal representation of both the House of Lords and the House of Commons. But I remember definitely the case of one Committee, namely, the Franchise Committee, which was appointed by Parliament and which came out to India in which representation from the House of Lords and the House of Commons was not on an equal basis. There are hundred-and-one examples which we can cite where Government in England appoint from, one House or the other, the majority of members, or in certain cases they appoint Committees consisting entirely of the members of one House—either it is the House of Commons or the House of Lords. Therefore, I submit for the consideration of this House that this claim of privilege on this ground cannot be substantiated.

To be able to claim the privilege, there must be an inherent privilege in existence. It must be one of the customary rights enjoyed by the members. I submit that no one can give any instance in any Legislature, whether it be in European countries, or Dominion Parliaments, where this privilege has been claimed. Therefore, I would request the Deputy President to withdraw his resolution.

Mr. HUMAYUN KABIR: Mr. President, Sir, usually Sir Nazimuddin is very persuasive, but to-day, I suppose because he has no case to make out, he has lost all his persuasiveness. I propose to discuss some of the arguments which have been presented before us to-day.

His first difficulty seems to be that we claim equal representation from the two Houses even in cases where there is only one nomination made by Government. I can assure him that this House is not so unreasonable as to demand that half a member from this House should be added to half a member from the other. This cannot be the intention of any member of this House. In such cases, the difficulty can easily be obviated by nomination from either House in alternate years or having some one elected by joint representation from the two Houses. That is an easy way out of the difficulty flaunted by Sir Nazimuddin.

Then again, he has raised a question about expert committees. The Hon'ble Minister suggested that in certain cases the Legislative Council

might not be in a position to provide a sufficient number of experts to a particular committee. I think that this House will not welcome that suggestion and I do not think that this House will for a moment agree that experts are the monopoly of the Assembly.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of explanation, Sir. I have never suggested that at all. I have made it clear again and again that whatever I was referring to, applied equally both to the Council and to the Assembly. It may be that the Assembly may not have experts there.

Mr. HUMAYUN KABIR: I accept the explanation of the Hon'ble Minister. In that case, I would like to say that when the Assembly has not got a sufficient number of experts, the Council will always be generous and agree to an equal number of non-experts from the Assembly. That difficulty after all is not so great as the Hon'ble Minister represented it to be. After all what is an expert? Generally an expert is a person who gives an elaborate opinion on a subject and can defend it at great length and in a way that other persons find it very difficult to understand. Generally an expert is a person who can claim to possess esoteric knowledge, and differ from all other experts who give opposed opinions under identical conditions.

Brushing aside this consideration, I would submit that it cannot be seriously maintained that these two Houses between them cannot give a sufficient number of members who have expert knowledge on any question which might come up for consideration before the Government. After all, the Government itself is recruited from the members of the two Houses and if the Hon'ble Ministers are not particularly diffident or lacking in self-confidence, I certainly take it that they would claim that they can deal with any question that might come up before them. I would submit——

The Hon'ble Khwaja Sir NAZIMUDDIN: What about experts in aviation?

Mr. HUMAYUN KABIR: I would submit that if the Hon'ble Minister find it necessary or possible to deal with the question, so will other members of the House. The other members of the House might also suggest that they should be allowed to contribute what little they might in the discussion of such questions. Therefore this question of experts is an argument which is hardly worth considering.

Then we come to the question about committees of one House. I suggest that here again there is no difficulty, because in this resolution it has been explicity stated that we want equal representation wherever members of the Legislature are nominated on the different

public bodies. There is no question in it of a committee of one House. If there is a select committee of one House, certainly we cannot claim any representation on that; similarly the members of the Assembly should not have any claim for representation on a select committee of the Council. It is only where Government nominate members to a public body where members from both the Houses go, it is there and there alone that we claim that this House should get equal representation.

Then again there is the question of nomination to selection committees or such like bodies. I fail to see the force of the argument advanced by the Hon'ble Minister when he said that this House could not supply persons qualified to sit on committees which select candidates for the Indian Police Service Examination or the Bengal Civil Service Examination. I do not know what are the esoteric qualifications required for serving on such a committee. This House does not for a moment accept the statement that the members of this House are not competent to sit on a body like that. Therefore, this argument of the Hon'ble Minister also is lacking in that weighty consideration which we expect arguments from him to have.

Then there is the question about the restriction of choice of the Government. If we insist that there should be a certain number of members from our House, we undoubtedly restrict the choice of Government in selecting persons at will. But what is wrong in that? That claim is continually made in every Legislature in the world. I do not speak of this Government alone, but Governments all over the world want to take as much power as they can in their own hands. They want to rule, if they can, by standing orders and by Orders in Council. If they can avoid it, they do not want to come before the Legislature. On the other hand, the Legislature is and must be vigilant about its own rights. The Legislature wants that Government should do nothing without consulting the Legislature. Though the resolution moved may impose some restriction upon the Government's freedom of choice, I think that is an additional ground why we should support it and insist that this House should have a voice in determining Government policy. The committees should be composed of the members of the Legislature because only in that case will they exercise a healthy and beneficial influence upon the activities of the Government.

There was also the question of privilege of both the Houses. That point after your ruling I need not discuss.

There was one final argument on which the Hon'ble Minister took his stand; he said that privileges cannot be created; they must be there. Whatever may be the case in other countries, I will submit that with us the position is somewhat different. The privileges were

not in existence before the Act of 1935; they have been created by the Act. As the Hon'ble Minister has himself told us, since the two Houses did not exist at all, there could be no question of their privileges. Therefore whatever privileges we claim to-day, are the creation of that Act, and the Act itself gives us power to legislate further and to decide for ourselves what privileges the members of the two Houses should have.

With regard to members of other Houses in other parts of the world, we have to remember that very often privileges have been created, extensively created, through legal fictions. Privileges have been created and as a matter of fact are being created in such ways. Many of the privileges which the members of the Parliament enjoy are not privileges which belonged to them in early times. These privileges were at first usurped by them and this usurpation has had the colouring of law and in time has actually become the law.

I think I have disposed of all the arguments which were presented to us by the Hon'ble Minister and after my analysis of the arguments, I think the Hon'ble Minister will himself admit that his arguments are hardly enough to persuade this House.

We want that whenever there are nominations to public bodies, this House should be taken into the confidence of Government. It should have adequate representation on different committees. In this way and in this way alone, it will be able to exercise influence upon the policy of Government. In this way alone can it make its proper weight felt in the public life of Bengal. Therefore I submit that this resolution which demands that members of this House shall have equal representation on different committees and public bodies to which members of the Legislature are appointed, should be accepted by the Hon'ble Minister. I think this is a resolution about which there should be no difference of opinion. I do not think there can be any member of the House who would stultify himself and the House to which he belongs by opposing a resolution like this. With these words, Sir, I support the resolution moved by Mr. Hamidul Huq Chowdhury.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Mr. President, Sir, by way of compromise I would like to amend the resolution with your permission as follows: "that whenever and whatever members of the Legislature are nominated on the different public bodies, both the Chambers *ordinarily* shall be given an equal representation and that whenever such representations are given by election, both the Houses of the Legislature *ordinarily* shall be called upon to elect an equal number of representatives." I agree with the Hon'ble Home Minister that in certain cases it may be difficult for Government to nominate or get elected equal number of members

from the two Chambers on all public bodies, but I think the Hon'ble Home Minister will in his turn agree with me that if the resolution is made innocuous by the amendment which I have suggested, Government should indicate that they are willing to respect the legitimate demand of this House as far as practicable. I am sure the Hon'ble Home Minister will not disagree with me when I say that the legitimate aspirations of this House should be fulfilled. I think the difficulty which the Hon'ble Home Minister is apprehending will be obviated if the word, "*ordinarily*" is used in appropriate places. It should be the sincere desire of Government to treat both the Houses fairly and whenever possible both the Houses should be given equal advantage in matters of representation. In special cases, when experts are needed on a committee to perform highly technical duties it may not always be possible to give equal representation to both the Houses, but under ordinary circumstances it cannot be difficult to do so. I strongly advise Government to favourably consider the resolution as amended by me.

Mr. PRESIDENT: Amendment moved: that whenever and whatever members of the Legislature are nominated on the different public bodies, both the Chambers *ordinarily* shall be given an equal representation and that whenever such representations are given by election, both the Houses of the Legislature *ordinarily* shall be called upon to elect an equal number of representatives.

May I take it that Mr. Hamidul Huq Chowdhury accepts this amendment?

Mr. HAMIDUL HUQ CHOWDHURY: I would have no objection if the House accept it.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of explanation, Sir. If the notes that have been taken of my speech are gone into, it will be found that I never contended that privileges were only claimed from the dates when the Irish Nationalists started obstructing the Parliament. All I wanted to say was that the procedure to refer a question of privilege immediately to a committee of privileges was adopted from that time. I certainly agree with all that you have said about the inherent rights and claims which the House of Lords have been enjoying from the days mentioned by you——

Mr. PRESIDENT: Ancient and undoubted rights.

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no doubt about it. All that I wanted to say is that the present practice of referring immediately without discussion and without voting all questions of

privileges raised in the House to the Privilege Committee started from the time when the Irish Nationalists started obstructing the business of the House.

Mr. PRESIDENT: The Chair has nothing to say as regards the merit of the question. The House will have to adjudicate when considering the question of privilege whether it should claim such privileges. In this connection I should like to remove certain misapprehensions arising out of the remarks made by the Hon'ble Sir Nazimuddin. The history of privileges is as ancient as the House of Commons. It was not from the time of the Irish Nationalists' obstruction that the question first arose. Referring to Anson's Law and Custom of the Constitution you will find, "The privileges of the House of Commons are claimed at the commencement of every Parliament by the Speaker addressing the Lord Chancellor on behalf of the Commons. Their claims are ancient and undoubted and are through the Chancellor most readily granted and confirmed by the Crown."

"The practice of claiming this privilege was of gradual growth. As early as the reign of Henry IV, the Speaker demanded in general terms that he might be allowed to inform the King of the mind of the Commons, and that if he made any error in his communication he might have leave to correct himself by reference to the House.

In 1536, there is a definite demand of access to the Crown. In 1541, comes the demand for freedom of speech and in 1554, for freedom from arrest together with freedom of speech and of access." Then the author describes how in modern times the privileges have taken shape.

May also maintains that "some privileges rest solely upon the law and custom of Parliament; others have been defined by statute." The author goes on: "Whatever may have been the origin and cause of this custom and however great the concession to the Crown may appear, the privileges of the Commons are nevertheless independent of the Crown. Some have been confirmed by Statute and are therefore beyond the control either of the Crown or of any other power but Parliament, while others having been limited or even abolished by Statute cannot be granted or allowed by the Crown."

Further the question is whether we are jointly to demand our privileges. Here also May is definite: "Whatever matter arises concerning either House of Parliament, ought to be discussed and adjudged in that House to which it relates and not elsewhere."

The Hon'ble Khwaja Sir NAZIMUDDIN: Now, Sir, about this question I would like to point out that——

Mr. PRESIDENT: Order, order, I am sorry to interrupt the Hon'ble Minister, but I should like to refer to page 97 of May's *Parliamentary Practice* where it will be found that this practice of appointing Committees of Privileges was in vogue much earlier than the date when the Irish Nationalists obstruction started. However, that is not a very material and important point.

The Hon'ble Khwaja Sir NAZIMUDDIN: Without discussion and without voting?

Mr. PRESIDENT: Yes, certainly; even before that date, the question of breach of privileges used to be referred to the Privilege Committee.

The Hon'ble Khwaja Sir NAZIMUDDIN: I may be wrong, Sir, but that is the information I have got.

Now, Sir, I want to bring to your special notice sub-clause (*2*) of section 71 of the Government of India Act. If sub-clauses (*1*) and (*2*) are read together, you will find, Sir, that any new privileges that can be claimed can only be done by means of an Act of the Provincial Legislature. Now what I should like to know is, what will be the value of this resolution even if it is passed by this House? It cannot in any way be binding on Government. On the other hand, if it be a recommendation for the consideration of Government, then it should come in the ordinary way just as any other resolution is moved. But, I think, it would be putting the question of privilege in a rather awkward position, if you pass a resolution such as this which the Government are not bound to give effect to. I should like the members to consider whether they should place themselves in the position of claiming a privilege and at the same time not getting it. That is the point which I should like to impress on all the members. If the resolution relates really to a matter of privilege, it must be of such a character as to be acceptable by Government.

Now, as far as the point raised by the Maharaja of Santosh is concerned, Government have already taken notice of the desire of the members of this House for representation on the various Committees that Government appoint from time to time. As soon as this question was brought to the notice of Government during the last session, they took note of it and in the Committees appointed by Government since then you will find that representation of this Council has been given.

Mr. NARESH NATH MOOKERJEE: No representation!

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg your pardon: members should not contradict Government's statements without full knowledge of the facts. Representation has been given to members of this House on the various Committees which have been appointed by Government, especially on those that were promised in the other House. And Government are always prepared to give representation to this House as far as possible and practicable, but they cannot bind themselves to the question of equal representation or proportionate representation. As I have said, Sir, Government want to retain their liberty of considering the better claims of either House under certain circumstances. So I would request that in view of the assurance given and action already taken by Government on this subject, this resolution be withdrawn, and, if necessary, either under section 118 of the Rules and Standing Orders, or if not under section 118, in the form of an ordinary non-official resolution, this question can again be discussed, but I would advise hon'ble members not to put it forward as a privilege resolution, because according to the Government of India Act of 1935, it will not be binding on Government unless it is by means of an Act of the Provincial Legislature.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I say one word, Sir? I quite appreciate the difficulty, to which attention has been drawn by the Home Minister, that the House will probably place itself in an awkward position if it makes a recommendation and that recommendation is not acted up to. But I put it to him to consider whether or not the Government would also embarrass itself if the House unanimously recommended a particular matter and the Government sat tight on it and paid no attention.

The Hon'ble Khwaja Sir NAZIMUDDIN: Government have already enunciated their policy in regard to this question. They have given an assurance that they will take into consideration the claims of members of this House when making nominations, and all that I ask is not to press it as a privilege motion.

Maulana MD. AKRAM KHAN addressed the House in Bengali. The following is the English translation of his speech:—

Mr. President, Sir, much discussion has been held on the motion in question in regard to legal details, of which I am unable to grasp the significance. But I ask the House to consider another aspect of the matter. It is what in English they say taking a practical view of the question. It has been urged that if nomination ever becomes a necessity or if the members of any committee be selected by nomination, an equal number of members from the Assembly and the Council should be appointed on the committee. Thus, for instance, if the

number from the Assembly is ten, that from the Council should also be ten. I am of opinion that in these days of democracy if we take a closer view of the Council, it should be realized first of all that the proposal for taking the same number of members from a total of sixty-three in the Council as from a total of two hundred and fifty in the Assembly could not stand to reason. And if this proposal be placed before the Assembly, we can, without the help of any special discussion or debate, easily understand what welcome will be accorded to it there. Hence, it is quite expedient for us to drop the proposal, the fate of which we are in a position to easily realize and which is absolutely opposed to the principles of democracy.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there is one other thing. There are certain Acts already in existence which give the right of nomination or the right of election to the various bodies of the Legislative Assembly. Now, if this resolution is passed, then those Acts will have to be amended; otherwise it may not be possible for Government to accept this resolution even if they wished to do so.

Mr. NARENDRA CHANDRA DATTA: Why not amend those Acts?

Mr. HAMIDUL HUQ CHOWDHURY: An example please!

The Hon'ble Khwaja Sir NAZIMUDDIN: The Wakf Committee.

Mr. HAMIDUL HUQ CHOWDHURY: That is about the Council. If the Hon'ble Minister says that it concerns the Assembly also, then the Act can be changed by another Act.

The Hon'ble Khwaja Sir NAZIMUDDIN: Well then, the present Council cannot be both the Houses at one and the same time!

Mr. HAMIDUL HUQ CHOWDHURY: If the Government were inclined to interpret the Assembly for the old Council, then the present Council does not come into the scene at all!

The Hon'ble Khwaja Sir NAZIMUDDIN: I wonder, Sir, how anybody could suggest that the old Council is now represented by the present Council!

Mr. HAMIDUL HUQ CHOWDHURY: Certainly you cannot call it "Assembly."

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, any how the question will arise of undertaking amendments to those Acts, and such amendments will result in a conflict between the two Houses. I submit, and I would ask you to consider this question, that this is really a very difficult and delicate question. Privilege, Sir, has never been claimed as between one House and another. That is another point which I would like you to consider. You, Sir, are laying down precedents for all times, and there has never been, Sir, you cannot cite any instance from the history of the House of Lords or the House of Commons, where privileges have been claimed by one House as against another, where one House has tried to restrict the privileges of another House. These are practical difficulties, these are constitutional objections to the resolution that has been put forward. I once again repeat that this can come up only as an ordinary resolution in the shape of a recommendation to Government, but I have my very grave doubts whether this can and should come up as a privilege motion.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I find myself in considerable difficulties in deciding this matter. The first question that arises in my mind is whether this is at all a matter of privilege, and I submit, Sir, that you, as President of this Council, will have to decide this question.

Mr. PRESIDENT: The House will have to decide the point.

The Hon'ble Khwaja Sir NAZIMUDDIN: You will have to decide it, Sir.

Khan Bahadur NAZIRUDDIN AHMAD.: At least I should expect some amount of guidance from you in this matter, Sir. The distinction between an ordinary resolution and a privilege motion such as this, is a very fine one, and one of the questions that arise is—should it come in as a privilege motion or by way of an ordinary resolution? Then I find another difficulty, viz., the question of laying down exact proportions. The resolution claims half-and-half share. The Assembly might conceivably pass a resolution which may be contrary to this, or somewhat different from this. The result would be that Government would be placed in a very difficult position. In fact they would be on the horns of dilemma, and it would be impossible for them to decide what to do. The question of fixing a proportion between the two component parts of the Legislature would depend upon the agreement of the two Houses on this matter; otherwise the matter cannot be satisfactorily solved. the acceptance of a resolution in one House alone affecting the privileges of both Houses would be a meaningless constitutional experiment.

Now, Sir, with regard to the proportion, I should like to have further light as to the actual practice prevailing in the Houses of Parliament in England and in the Legislatures of other countries, such as the Dominions and other self-governing countries, e.g., the United States, Canada, and various other democratic countries having bi-cameral Legislatures. I would put before you, Sir, a hypothetical question. Supposing it is necessary to form a committee twice seventy members, i.e., of hundred and forty members from both the Houses, the maximum contribution that this House can make would be sixty-three and the rest will have to be contributed by the other House. So this is one of the practical difficulties. There is the question of inevitable conflict between the two Houses in this matter. Unless the two Houses agree, there can be no real or satisfactory solution of this question. I agree that this question involves certain privileges of this House and the privileges must be recognised and the House must be given adequate representation. In these circumstances I find it really difficult——

Begum HAMIDA MOMIN: On a point of information, Sir, Is there any Committee anywhere consisting of hundred and forty members? (Laughter).

Mr. NARENDRA CHANDRA DATTA: No, there can be no such Committees.

Khan Bahadur NAZIRUDDIN AHMAD: I was simply asking a hypothetical question. The generality of a proposition can be tested by its ability to answer certain hypothetical questions, and it was from this point of view that I put this question. I know of much larger committees than the hypothetical committee of hundred and forty. Any hon'ble member of the other House with a sense of humour may deliberately propose or inspire a committee of hundred and forty or even more to circumvent the pious wish contained in the resolution. The difficulty lies in the inequality of the strengths of the two Houses.

Now, Sir, the real question is whether, first of all, the motion can be regarded as a privilege question, and secondly, in the absence of sufficient data and sufficient information it would not be better to postpone this discussion to a later date to allow us to come sufficiently prepared so as to be able to put the matter on a line with the practice in other parts of the world. Sufficient experience has not been gained in this or in other Councils and Assemblies in India. As it is a very important question affecting the privilege of this House, I submit that we should ask the various Legislatures throughout India as to the exact procedure obtaining there or the proposals which are in contemplation in those places and then try to solve the problem satisfactorily. In the circumstances, I submit that the matter may be postponed unless you are in a position to give us more light to enable us to decide——

Mr. PRESIDENT: Your suggestion is to adjourn the debate to-day?

Khan Bahadur NAZIRUDDIN AHMAD: Yes, that is my submission. I beg to move that the discussion of the matter be postponed till the next day.

Mr. PRESIDENT: Before I put the question I would like to say that it is an accepted parliamentary practice that in the case of all joint sittings, whatever be the number of members in each House, they are equally represented. As regards joint sittings the same thing prevails in India in the Council of State and the Central Legislative Assembly. The procedure prescribed is that though the Council consists of only sixty and the Assembly of hundred and forty-five members, the representation is equal on all joint sittings. But as regards the other bigger question whether this matter should be considered at all as a matter of privilege, I have grave doubts. I should like to have further time to consider this. Our difficulty is that under section 71 of the Government of India Act, 1935, we have no definite privileges except those enjoyed by members of the old Legislature until these new Chambers themselves enact legislation defining the privileges of the Legislature; and the Chair will be disclosing no great secret that during the last conference of the presiding officers of the Legislatures in India, it was decided that for the whole of India there should be an attempt at uniform legislation strictly defining the rights and privileges of the members and of the Chambers of the different Legislatures in India. So I am inclined to agree with Khan Bahadur Naziruddin Ahmad's motion to adjourn the debate. Speaking for myself I require more time (if any guidance is required from me) to advise the House after carefully considering the precedents, if any. I did not find any precedent like the privileges claimed in these two

. It is true the House has inherent right to claim certain pri-

So if the House agrees, I prefer that the matter be postponed morrow, so that the members as well as the Chair may have some consider this question.

question before the House is that the discussion of this matter poned till next day.

motion was agreed to.

Mr. HAMIDUL HUQ CHOWDHURY: May I move the second resolution so that both may be taken up together?

Mr. PRESIDENT: Yes.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I beg to move that pending the final arrangement for a separate Library, if necessary, it be recommended that the Library shall be under the joint control of the Council and the Assembly in order to give proper facilities to all members of the Legislature.

Mr. PRESIDENT: Motion moved: that pending the final arrangement for a separate Library, if necessary, it be recommended that the Library shall be under the joint control of the Council and the Assembly in order to give proper facilities to all members of the Legislature.

Before the House takes up the discussion of this matter, I would like only to refer the House to the custom that obtains in other Parliaments. At Westminister, the House of Commons and House of Lords have got separate libraries; but in all oversea Parliaments there are joint libraries under the joint control of the presiding officers. In Canada, there is a joint library for the two Houses. The members of the permanent staff—seventeen in number—are appointed by the Civil Service Commission, which body also concerns itself with promotions and with the salaries of the staff. Temporary employees of whom there are now eight, are appointed on the recommendation of the two Speakers. There are two librarians, one English and one French, who are appointed by the Government. The general conduct of the institution is under the jurisdiction of Parliament itself, acting through a Joint Committee of both the Houses, and presided over by the Speakers of the Senate and the House of Commons.

In the case of the Australian Federal Parliament, "The Library of Parliament and the appointments thereto fall under the President of the Senate and the Speaker of the House of Representatives jointly." The rules for the control and management of the Library which are revised and adopted by the Library Committee (a Joint Committee) have proved satisfactory and sufficient for the smooth working of the library.

In New Zealand, the General Assembly Library is recognised as a national library as well as a parliamentary library, and the joint Library Committee prepares from time to time the rules for the Library. In the Union of South Africa, the library of the Parliament of the Union was actually started when the old Cape Legislative Assembly took the first step towards the establishment of a Library for the use of both Houses of Parliament. Rules relating to the appointment, office and duties of the joint Parliamentary librarian were recommended by the joint Library Committee of the two Houses. The librarian reports to the two Houses through Mr. President and Mr. Speaker at the opening of each annual session, the actual state of the Library. The Library Committee appointed for each session of Parliament by each House

with power to confer with the corresponding Committee of the other House, and Mr. President and Mr. Speaker with their counsel and advice in carrying out the rules in regard to the Library of the Parliament.

The same practice obtained in the Irish Free State before the abolition of the Seanad and rules were adopted for the administration of the Joint Library Committee of the Seanad and the Dail on 19th May, 1926. There is no doubt that the usual practice in Federal Dominion Parliaments is to have a joint library.

The Hon'ble Khwaja Sir NAZIMUDDIN: In view of the fact that this subject is still under discussion between you and Government, may I suggest that until some decision is arrived at, the consideration of it may be postponed?

Mr. HAMIDUL HUQ CHOWDHURY: There can be no objection if we can have this assurance from the Hon'ble Minister that an early decision is likely to be taken on this question. We are really feeling some difficulty.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am proposing to sit, if it is convenient to the Hon'ble President, on Wednesday next to discuss this matter.

Mr. PRESIDENT: So this motion is also postponed for consideration till a later date.

The Hon'ble Mr. NALINI RANJAN SARKER: About the non-official resolutions for which a day is wanted by the members, I would suggest to-morrow. There is only one item of Government business which is likely to be finished in half an hour's time. At the end of that non-official resolutions may be taken up. On the subsequent day there is the budget discussion which will not take more than half an hour. After that non-official resolutions can be taken up.

Mr. PRESIDENT: It is settled that we shall take up the resolution on retrenchment to-morrow.

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. Kamini Kumar Dutta's resolution is pending; it is a very important resolution.

Mr. PRESIDENT: We shall take up that resolution first and if any time is left, we shall discuss the retrenchment resolution to-morrow.

The Hon'ble Khwaja Sir NAZIMUDDIN: After the Government business is finished.

Mr. PRESIDENT: Of course. On an official day the first business to be considered is that of the Government.

May I take it, Mr. Sarker, that day after to-morrow will be a non-official resolution day?

The Hon'ble Mr. NALINI RANJAN SARKER: There will be the budget discussion first and the rest of the time may be devoted to the non-official resolutions.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 16th August, 1938.

Members absent:

The following members were absent from the meeting held on the 15th August, 1938:—

(1) Benthall, Sir E. C.

(2) Baksh, Mr. Kader.

(3) Goswami, Mr. Kanai Lal.

(4) Hossain, Mr. Mohamad.

(5) Khan, Khan Bahadur Muhammad Asaf.

(6) Mookerji, Dr. Radha Kumud.

(7) Ormond, Mr. E. C.

(8) Rahman, Khan Bahadur Ataur.

(9) Roy, Rai Bahadur Radhica Bhusan.

(10) Shamsuzzoha, Khan Bahadur M.

B. G. Press—1938-39—[illegible]

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 16th August, 1938, at 2-15 p.m., being the sixth day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Persons in confinement.

47. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many prisoners and detenus have been released since the Legislatures were last prorogued and how many detenus and how many political prisoners are still in confinement?

(*b*) Of the detenus—

(*i*) how many are in jails;

(*ii*) how many in camps;

(*iii*) how many in village domicile; and

(*iv*) how many home interned?

(*c*) During this period (since the last prorogation of the Legislatures) have there been fresh arrests of persons in Bengal? If so, how many? Who are they? And under what Act were they arrested and deprived of their liberty?

(*d*) Have the young men of Chittagong district still to carry with them tickets—white, red, blue or yellow? If so, on how many of such persons in Chittagong the orders to carry such tickets are still in force? How many of them carry white tickets and how many red, blue or yellow?

(*e*) Are such ticket-holders to be found in any other parts of Bengal? If so, in which districts and on how many persons orders to carry such tickets have been enforced?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar (on behalf of the Minister in charge of the Home Department): (*a*) The hon'ble member has not specified any particular class of prisoner in respect of which he desires figures of release, and I regret that statistics of releases of all classes of prisoners from jails in Bengal during the period referred to are not readily available. The number of detenus released up to the 8th of August was 373. If by the term "political prisoners" the hon'ble member refers to persons convicted by the courts for offences in connection with the terrorist movement, the number of persons so convicted and still undergoing sentence is 316.

(*b*) (*i*) 7.

(*ii*) Nil.

(*iii*) 160.

(*iv*) Nil.

(*c*) I regret that statistics giving particulars of the persons arrested for all causes throughout the Province of Bengal during the period referred to are not readily available, and cannot be collected without an expenditure of time and money incommensurate with the result.

(*d*) and (*e*) No.

President, Chhatna Union Board.

48. Rai MANMATHA NATH BOSE Bahadur: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that the local police of Chhatna (district Bankura) wrote to the District Magistrate of Bankura to compel the President of the Teghari Union Board to resign the Presidentship of the Union Board?

(*b*) What was the reply of the District Magistrate to the local police?

(*c*) If the answer to clause (*a*) is in the affirmative, under what rule or law is the police authorised to compel a member of Union Board to resign his seat?

(*d*) Is it a fact that after having been unsuccessful in their attempts the police enrolled him as a *dagi*?

(*e*) Will the Hon'ble Minister be pleased to state the reasons for enlisting him in the list of *dagis*?

(*f*) Is it a fact that the above President of the Teghari Union Board, police-station Chhatna, district Bankura, was awarded Certificates of Honour for helping the police in the detection of crimes and also for faithful services in the recent famine relief operations?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No.

(*b*) and (*c*) Do not arise.

(*d*) The suggestion is denied. The President was made a *dagi* by the police in accordance with the rules.

(*e*) During the investigations of Chhatna police-station cases No. 5 (6) 36 and No. 6 (6) 36, under section 395, Indian Penal Code, it transpired that the President of the Union Board was one of the receivers of stolen goods. The whole gang unearthed was placed under surveillance and the President of the Union Board and other receivers were also made surveillees along with other members of the gang.

(*f*) Yes.

Mr. PRESIDENT: Khan Sahib Abdul Hamid Chowdhury!

Mr. RANAJIT PAL CHOUDHURY: On a point of information, Sir. Under section 86 of the Government of India Act of 1935, may we have your ruling whether this question is in order inasmuch as section 86 lays down that no discussion shall take place in a provincial legislature with respect to the conduct of any Judge of the Federal Court or of a High Court in the discharge of his duties.

Mr. PRESIDENT: We do not reach the stage of discussion in questions. Questions merely ask for information.

Mr. RANAJIT PAL CHOUDHURY: May I submit, Sir, that my point arises out of part (*c*) of the question?

Mr. PRESIDENT: What question you are referring to?

Mr. RANAJIT PAL CHOUDHURY: No. 49, Sir.

Mr. PRESIDENT: No. 49 is just now going to be put. Khan Sahib Abdul Hamid Chowdhury has not yet risen in his seat and called out the number.

Khan Sahib ABDUL HAMID CHOWDHURY: No. 49, Sir.

Award of heavy penalties by the High Court.

49. Khan Sahib ABDUL HAMID CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether it is a fact that the High Court recently awarded twelve gold mohurs as costs in the Civil Rule of small value, viz., 28 (S) of 1938?

(*b*) Will Government be pleased to state whether in the past there were any cases where such heavy awards have been granted in cases of such small values?

(*c*) What steps do Government propose to take to check the award of heavy penalties for such cases?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) and (*b*) Government have no information.

(*c*) None.

Mr. RANAJIT PAL CHOUDHURY: Arising out of No. 49 (*c*), Sir—

Mr. PRESIDENT: Questions are put for the purpose of eliciting information and not for discussion. Any point involving discussion is not a matter for a question. This question is in order as it simply wants some information but certainly it cannot enter into any discussion.

Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister be pleased to state if Government made any attempt at all to get the information?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes, Sir. Government tried to get the information.

Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister be pleased to repeat his answer as I could not catch him?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Attempts must have been made; otherwise the answer, as given, could not have been given.

Contempt of Court.

50. Khan Sahib ABDUL HAMID CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether Government are aware that the High Court have silenced the Press by threats of contempt proceedings and freed themselves from criticism in the Press?

(*b*) Do Government propose to take steps to secure greater freedom for the Press in the matter of publishing just criticisms about irregularities on the part of the Hon'ble Judges of the High Court? If not, why not?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) No.

(*b*) Government has no intention of taking steps to amend the law with regard to contempt of Court.

Report of the Privilege Committee.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I beg leave of the House to place the report of the Privilege Committee regarding the assault on Mr. Kabir and the report is as follows:—

"The Privilege Committee in the absence of all the necessary and relevant facts is not in a position to finally decide whether there has been any breach of any privileges; it, however, is unanimously of the opinion that the matter is of a serious nature and strongly recommends that the Government should make a detailed statement in connection therewith; the Committee of Privileges is prepared to take up this question afterwards".

Mr. PRESIDENT: Order, order. There is no recommendation now before the House. Government have been requested by the Privilege Committee to make an enquiry and report.

The next item on the agenda is the Calcutta Official Receiver's Bill. The Hon'ble Nawab Musharruff Hossain!

GOVERNMENT BILL.

The Calcutta Official Receiver's Bill, 1938.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: On the recommendation of His Excellency the Governor, I beg to move that the Calcutta Official Receiver's Bill, 1938, as passed by the Bengal Legislative Assembly, be taken into consideration.

In doing so, Sir, I think it is necessary that I should try to explain to you the necessity of a Bill like this. The Calcutta Official Receiver's post had been under the control and supervision of the High Court so long. The duty of the Official Receiver is one of an extremely difficult nature and the Hon'ble Judges declared that such a duty should be taken up by and be under the control of the Executive Government rather than of the High Court. The High Court, as is newly constituted, cannot look after its executive details and so they have asked the Government to take the task upon themselves. And so on their recommendation we have prepared this Bill, and this matter was thoroughly gone into in the Lower House and after all

the details had been considered by that House they have passed the Bill in the shape in which you now see it. I do not wish to waste the time of the House by telling you what the Official Receiver has been doing so long, and I think it will not be dignified on the part of Government also to tell you all that has happened in the past. Unless there was a serious difficulty in the management of the Department of the Official Receiver by itself, the High Court would not have asked the Executive Government to take over the charge of that Department. Under the circumstances, Sir, I think it is desirable that it should be passed by both the Houses. The Assembly has done it already and I hope the Council will also pass it and when it is passed——

Mr. PRESIDENT: Order, order. The Hon'ble Minister is moving for the consideration of the Bill at this stage, and not for passing it. That stage will come later on.

Motion moved: that the Calcutta Official Receiver's Bill, 1938, as passed by the Bengal Legislative Assembly, be taken into consideration.

The motion was agreed to.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of information, Sir, over the question which has just now been disposed of. Is it not necessary that the Statement of Objects and Reasons should also be attached to the Bills passed in the other House and laid before this House for further discussion? Unless this is done, one cannot have any idea as to the objects and reasons given in the Assembly.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: As regards the objects of this Bill, I have already, when moving the Bill for consideration, told this House that it is nothing but taking over the charge of the Official Receiver's Department by the Executive Government.

Mr. HAMIDUL HUQ CHOWDHURY: What I want to know is as regards the procedure. In making the point clear——

Mr. PRESIDENT: Order, order. Strictly speaking, it is not necessary for a Bill that has been passed by the Assembly and which is presented before this House, to be accompanied by a statement of the Objects and Reasons. But it is really true that the House very much desire to have also the Objects and Reasons, and so in future, if it is not difficult or inconvenient, I would request the Hon'ble Ministers that in the case of Bills passed by the other House and laid before this House, they should be accompanied by a Statement of the Objects and Reasons. Strictly speaking, the Statement of Objects

and Reasons need not accompany any Bill that comes from the other House inasmuch as the Statement of Objects and Reasons is not passed, but only the Bill is passed.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: So far as I am concerned, Sir, all that I can say is that in future I shall see to it that the Statement of Objects and Reasons is also incorporated in the Bills brought before this House.

Khan Bahadur NAZIRUDDIN AHMAD: It is important from another point of view also, Sir. It is that——

Mr. PRESIDENT: Government have agreed to furnish the Objects and Reasons in future along with the Bills brought before this Council from the other House, so it is no good wasting the time of the House any longer on that point.

Clauses 1 to 10.

Order, order. The question before the House is that clauses 1 to 10 do stand part of the Bill.

The motion was agreed to.

Clause 11.

Mr. PRESIDENT: Now comes clause 11 of the Bill. To this clause there is an amendment of Khan Bahadur Saiyed Muazzamuddin Hosain, which he will please move.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to submit that I do not like to move the amendment that stands in my name.

Mr. PRESIDENT: The question before the House is that clause 11 do stand part of the Bill.

The motion was agreed to.

Title and Preamble.

Mr. PRESIDENT: The question before the House is that the short title and preamble be added to the Bill.

The motion was agreed to.

The Hon'ble Minister will now please move for the passing of his Bill.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I beg to move that the Calcutta Official Receiver's Bill, 1938, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Calcutta Official Receiver's Bill, 1938, as settled in the Council, be passed.

Mr. BANKIM CHANDRA DATTA: On a point of information, Sir. I want to know whether the present practice of the Official Receiver having to execute a bond with the Registrar of the High Court to the extent of a lakh of rupees does stand in the present Bill.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: It will not stand in future.

Maharaja Sir MANMATHA NATH ROY CHOWDHURY, of Santosh: Sir, I do not rise to oppose the motion, but I think in all fairness the Hon'ble Minister should let us know what procedure he is going to adopt in appointing the Official Receiver henceforth —whether by executive order or through the Public Service Commission or in any other way.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: If my friend will read clause 3 of this Bill he will find at once how the recruitment will be made. Clause 3 provides that there shall be an Official Receiver and there may be one or more Deputy Official Receivers. The offices of the Official Receiver and of the Deputy Official Receivers, if any, shall be civil posts under the Crown in India, and we all know that civil officers under the Crown in India are recruited by the Public Service Commission.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of information, Sir. The civil posts are of two kinds, one temporary and the other permanent. So far as permanent appointments are concerned, may I know who will make the appointments,—the Government or the Public Service Commission?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: So far as temporary appointments are concerned, they will be made by Government. Permanent appointments will be made by the Public Service Commission.

Mr. HAMIDUL HUQ CHOWDHURY: We have very often found that an appointment is made for one year and repeated year after year, even for twenty years.

Mr. BANKIM CHANDRA DATTA: One more information, Sir. Ordinarily in the matter of appointments so far as the High Court is concerned, the Chief Justice is consulted. May I take it that in this case there would be no deviation from this practice?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: In future the Public Service Commission will be the master, though the Government will frame rules for the recruitment of such officers. I believe the rules have not been framed up till now. When the rules are framed you will have an opportunity to see them and make suggestions.

Mr. PRESIDENT: The question before the House is that the Official Receiver's Bill, 1938, as settled in Council, be passed.

The motion was adopted.

Non-official Resolution.

Mr. KAMINI KUMAR DUTTA: Sir, I have already moved the resolution and read it before the House. As to the object of my resolution also I have given an idea to the House. It cannot be denied that the cultivators are the mainstay of the economic structure of the country, but at the same time it must be admitted on all hands that the condition of the cultivators in this province is a very distressing one and it cannot also be denied that it is due to the lack of efficient organisation of agriculture and to the policy pursued in administering it. By inefficient organisation I do not intend to say any non-official organisation of the cultivators. I wish to make it quite clear that I want to emphasize the fact that there is an absolute absence of any organisation on behalf of the State to better the condition of the agriculturists. It is really the inefficiency of the organisation and the inevitable result of want of really well-thought-out plan to improve the conditions of the cultivators which have led to the present distressing condition of heavy indebtedness—indebtedness, which one cannot but admit, is impossible for the cultivators to liquidate. No doubt palliative in the shape of Bengal Agricultural Debtors' Act has been attempted, no doubt impression has been given to the cultivators as if the Bengal Agricultural Debtors' Act would wipe out all past debts, but that wrong impression only has led to the ruin of all rural credit in the province. Certainly the Agricultural Debtors' Act does not intend to wipe out all past debts. Its only object can be to make a fair adjustment of the past debts, only to give an opportunity to the debtors to pay up their debts by instalments and scale them down according to the capacity of the debtors, keeping in view the

fall in the price of the agricultural products. I do not for a moment intend to befriend the money-lenders, but at the same time I want to say that one has to remember that an agriculturist requires working capital for the normal pursuit of agriculture. If there be a complete collapse of the rural credit, it would really be a bad day for him. So simply to put a picture before him that there would be legislation which would help him to be out of debt and which would wipe out the debt, would be quite misleading. What the State ought to do is this: that there ought to be a fair and equitable adjustment of the debt by scaling it down as far as possible to the extent of the capacity of the cultivator to pay and by allowing him as many instalments as possible to clear it. At the same time an atmosphere ought to be created in this province which would produce an inclination to pay and which would restore rural credit. Indeed the present condition is a hopeless one. It has created a complete deadlock. I again do repeat that I do not want to say that any legislation should be brought to befriend the money-lenders. As a lawyer I have experience of the fact that they are to a large extent responsible for the depression in the province and for this state of things, but it cannot be gainsaid at the same time that there is a marked disinclination among the agriculturists to pay back their debts and a peculiar situation has arisen in which these agriculturist debtors think that it is useless to try to clear their heavy dues as they would never be in a position to do it. So really these debts ought to be adjusted as speedily as possible, so that these agriculturists may think that it is within the reach of their power to pay up these debts. It would encourage them to pay up the debts; it would inspire confidence in them. Side by side with this we have to remember that the depression in the value of land in this province has reached an alarming length. Indeed the land cannot bear the burden which has been imposed upon it. Agriculture is not in a position to maintain the population which is having recourse to it for its support. No other avenues have been found out for providing the surplus population which has been gradually increasing. As a matter of fact a very critical situation will soon arise when it would be impossible for agriculture to maintain the population which looks upon it as the only stay for its livelihood. Other occupations have to be found out for them. It is for this that in my resolution I have asked that in order to solve the problem of agricultural indebtedness, provision ought to be made for advancing long-term loans to agriculturists towards the liquidation of agricultural debts and side by side with this I have also asked to devise suitable judicial procedure for compulsory and fair adjustment and scaling down of accumulated rural debts.

I do not for a moment intend to say that Government should bear the whole debt, but at the same time I must say that it is the duty of the Government, it is the duty of the State, to provide machinery for

the clearance of these debts, for mobilising private capital and even for starting country-wide organizations for bringing capital within the easy reach of the cultivators. The initiative of the State is required, State aid is required. It does not thereby mean that the State should really provide the whole capital for the payment of the entire debt. Without making such a big provision, the State can at least make a beginning, by starting credit societies which would encourage private capital also to come into the field. Up till now it is upon the indigenous money-lenders that the agriculturists have always fallen back for help, and I myself do believe that a proper organization of the money-lenders, if revived under proper control of the State, would be of considerable aid to these agriculturists in getting their money. Even these indigenous money-lenders, who are really the village bankers, are at present in a hopeless condition. And as I have already said, not only the depression in trade and the fall in the price of agricultural products but perhaps their own inequitous conduct and misdeeds too are responsible for their present condition. But they have already learned a good lesson. And if now a proper organization of these money-lenders under proper State control could be established, it could help a great deal in liquidating the debts of the agriculturists. It can also go a great way in inducing really good local bankers to bring their money within the reach of the cultivators, and they will be an additional help to the needy peasants. But at the same time I must repeat that the State should first be in the field, the State ought to start credit societies to supply the aid sought for. The State ought to help in every possible way and exercise control wherever such control is called for or deemed necessary in the public interests. The State ought to take the initiative: otherwise capital will not come in. In this connection, reference may also be made to the co-operative societies which were started, apparently with the object of ameliorating the condition of the cultivators and for the supply of money to the poor agriculturist debtors. But on seeing their working one cannot but say that those organizations have miserably failed. For a time, no doubt, they did really secure some relief to indebtedness but the ultimate result has been almost nil, and the co-operative credit societies as they now exist in the province, are not in a condition which would inspire the confidence either of the State or of the public in general. The whole thing ought to be reorganized. Land mortgage banks have been sparingly started but they too have not even touched the fringe of the whole problem. From the course of events, one is inclined to say that they are nothing but mere subterfuges. They have not been started with the ostensible object of tackling the problem, or rather the problem has not been tackled at all. In this connection, Sir, with your permission I may quote the instance of a foreign country, or rather a continental country. What did the Government do there? What they did was this, that they did settle the whole debt, did pay off the

whole debt, and made the cultivators, the agricultural debtors, the debtors of the State and they arranged for the realisation of the debt from these agriculturist debtors by extending to them long-term instalments and also by means of marketing the products of those debtors. If a foreign country, such as Russia, could take such a huge task upon itself, why our Government should not be able to take this duty upon itself? The problem of rural indebtedness is the most burning problem of the day; the amelioration of the condition of the agriculturists is the most important problem of the day, and in the matter of bettering the condition of these poor and pitiable agriculturists, no want of intelligence on the part of Government can be excused. And for that purpose, I have already observed that the operation of the Agricultural Debt Settlement Boards has not been quite satisfactory. By this I should not be considered to make a wholesale condemnation of the Act. The intention of the Act, no doubt, is to make it easy for the agriculturist debtors to pay, but hitherto the work of these Boards has been only to create a sort of deadlock, and it cannot be denied that there have been numerous instances of the abuse of the provisions of this Act. Government should be very alert to see that there is proper working of these Boards and they function with the real object in view, namely, to make the debts payable by easy instalments, so that the debtors might not only be inclined to pay their debts but be in a position to do it. And therefore, in my resolution I have suggested that some suitable judicial procedure for compulsory and fair adjustment and scaling down of accumulated rural debts should be laid down and strictly followed. It must be made compulsory and binding on them because it may be that one of the parties may not agree, and so it ought to be fair and the principal object of that procedure ought to be to scale down the accumulated debts and to make provision for easy payment by long instalments. The next question would be to advance money to them on long terms to enable them to pay off their debts. It appears that it was the object of the land mortgage banks to do so. That principle was to be the accepted principle with the inauguration of the land mortgage banks, but really those banks are not functioning properly. They are still where they were before; they are operating very slowly. The country has not yet felt really the existence of those banks in the least. Now, as I have once said, independent organizations—by independent organizations I mean organizations independent of those of the State—should also be fostered, but at the same time, as I have already pointed out, those independent organizations would not grow up unless the State be first in the field and generates a different atmosphere which may favourably impress the capitalists also. So I reiterate that State aid ought to be first in the field for that purpose. Now——

(At this stage the member reached the time-limit).

Mr. PRESIDENT: Your time is up.

Mr. KAMINI KUMAR DUTTA: Yes, Sir, then I shall conclude now.

Mr. PRESIDENT: Yes, you will have to conclude; there are other speakers.

Mr. KAMINI KUMAR DUTTA: Then I shall conclude, Sir, by giving an outline of the rest of my resolution, namely, reorganisation of rural economy of the province, establishment of agricultural banks, granting subsidies to *bona fide* agriculturists, starting institutions for agricultural education and research, establishment of industrial banks and development of co-operative institutions. Before I finish I shall quote a portion of the Report of the Royal Commission on Agriculture. It is this—

"If the inertia of centuries is to be overcome, it is essential that all the resources at the disposal of the State should be brought to bear on the problem of rural uplift. What is required is an organized and sustained effort by all those departments whose activities touch the lives and the surroundings of the rural population."

That therefore ought to be the guiding principle of the Government in all their actions for the betterment of the province.

Mr. PRESIDENT: Motion moved: that this Council is of opinion that steps be taken by the Government in order that a Committee consisting of members of this House and of the Legislative Assembly may be formed with power to co-opt experts in the Committee, to formulate a scheme and to suggest proper legislative measures to give effect to the following and to report these to this House:—

(*a*) to solve the problem of agricultural indebtedness, and in order to effect this—

(*i*) to provide for advancing long-term loans to agriculturists towards the liquidation of agricultural debts, and

(*ii*) to devise suitable judicial procedure for compulsory and fair adjustment and scaling down of accumulated rural debts;

(*b*) to reorganize rural economy of the province, and for this purpose—

(*i*) to establish agricultural banks in all unions for advancing short-term loans to the agriculturists at a small interest against hypothecation of crops or mortgage of lands, as the case may be;

(*ii*) to grant subsidies to *bona fide* agriculturists for developing the undeveloped lands of the province;

(*iii*) to start institutions for agricultural education and research;

(*iv*) to establish industrial banks for the purpose of advancing small loans to trained young men and to agriculturists to whom agriculture is not a dependable means of livelihood, for starting and conducting small industries.

Mr. NUR AHMED: Mr. President, Sir, I beg to move the two amendments which stand in my name. They read as follows:—

(1) That the words "that a Committee consisting of members of this House and of the Legislative Assembly may be formed with power to co-opt experts in the Committee" occurring in lines 2, 3 and 4 be deleted.

(2) That sub-clause (*ii*) of clause (*a*) of the resolution be deleted.

Mr. PRESIDENT: Order, order. Mr. Ahmed, I would remind you that you have only five minutes' time within which to conclude your speech.

Mr. NUR AHMED: All right, Sir.

In moving these amendments I would make my humble submission to the House as follows. The reasons which have led me to move these amendments are that no useful purpose would be served by forming a Committee of members of both the Houses, as suggested in the resolution. There are the Hon'ble Ministers in charge of these departments, and further they have got experts in their departments who are quite competent to formulate and draw up schemes in the light of the recommendations contained in this resolution. The formation of another Committee will entail further demands on the public exchequer of this province. It will be a mere waste of public money. Frankly speaking, I have very little faith in this sort of committees. Whenever Government want to shelve a matter, they generally form a committee to consider it. The committee generally takes two or three years to conside the question and draw up their report. Even after the report is submitted, Government take another two or three years to consider the committee's recommendations, and ultimately very little is done to give effect to the recommendations of such committees. For these reasons, Sir, while expressing my sympathy for the noble object which the hon'ble mover has in view in moving this resolution, I would request him to agree to my amendments.

As regards my second amendment, all that I want is the deletion of clause (*a*) of sub-clause (*ii*), because, hon'ble members are aware of the fact that the Agricultural Debtors' Act has been brought into operation only very recently. Its good or bad effects have not been

yet tested. Already 3,000 ordinary Debt Settlement Boards and more than 100 Special Boards have been established to scale down the debts of the agriculturists. This has no doubt dislocated the ordinary business of the province to some extent, for any new measure or innovation is always found to cause temporary dislocation. It is reported, so far as my knowledge goes, that these Boards are working satisfactorily, and so I submit, Sir, that the time has not come yet to judge their working either way. If, however, there are any fatal defects in the said Act, let us try and remove them by an amendment of the Act.

So, Sir, I would appeal to the members of this House to accept the amendments which I have moved.

Mr. PRESIDENT: Amendments moved: (1) that the words "that a Committee consisting of members of this House and of the Legislative Assembly may be formed with power to co-opt experts in the Committee", and (2) that "sub-clause (*ii*) of clause (*a*) of the resolution" be deleted.

Mr. NARESH NATH MOOKERJEE: Sir, we are very grateful to Mr. Dutta for bringing up a resolution of this kind. There can be no doubt that the problem of agricultural indebtedness in Bengal is a problem which is not only serious and important but on the solution of which depends the prosperity of all classes of people in Bengal, whether they be agriculturists, traders, merchants or even the Government. I can almost anticipate the reply that the Government are going to give, but I think it will be difficult for them to justify the assertion that they have done enough to meet the recommendations made by Mr. Dutta.

They will say there are five land mortgage banks in Bengal. There is an Agricultural Debtors' Relief Act; there is a Debt Conciliation Board; there is an Industrial Credit Syndicate and there are co-operative credit societies in the province. They look very well on paper; but when you really come down to details and examine the way these institutions are working and the way Government are trying to help the institutions, it becomes very clear that the Government are really more anxious to find an explanation to our criticisms rather than the real good of the people of the province.

Land mortgage banks are very good institutions and are the only means of giving long-term credit relief to the people of the province. Although five such banks have been started in Bengal, no arrangements have been made to supply them with sufficient capital. Nor do we know the policy that the Government have in their mind with regard to finding money for these banks. Unless some good arrangements are made to get capital for these banks, I am afraid they will merely continue to exist on paper.

Coming to the second item, it is a well-known fact that the Agricultural Debtors' Relief Act and the Debt Settlement Boards have practically stopped current credit in the rural areas. Credit has become so shy that private individuals and *mahajans* have stopped credit and it has become impossible for the agriculturist to get current credit from any of the previous sources. The result is that to-day the position is far worse from that point of view than it was before. Unless the co-operative credit societies are put on a sounder footing and in a position to find current capital that is required for giving short-term loan to the agriculturists, I am afraid the whole system will prove useless.

Next point is the question of agricultural banks. I do not know what the mover really means by agricultural banks, but if he means joint stock agricultural banks I am not in favour of them. I suppose he means agricultural credit banks like those that have been started in New Zealand, Australia and the Union of South Africa. These have proved a great boon to the agriculturists and they are run on the same lines as the co-operative credit societies. If some such institutions are started, I think relief to the agriculturists will be forthcoming in a better degree than by mere starting of co-operative credit societies.

Then coming to the question of the Industrial Credit Syndicate——

(Here the member reached his time-limit but was allowed to finish his remarks on this point.)

There is only one word that I wish to say with regard to this matter. It is true that an Industrial Credit Society has been started in Calcutta with a capital of Rs. 2 lakhs at the instance of Government and Government have decided to supply the running expense of the bank but I find no effort is being made to make it expand because of the objection of certain vested interests. I should like to see some effort on the part of Government to give this institution the freedom that is necessary to secure capital from private sources, so that the bank may stand on its own legs; otherwise the whole object of this movement will be foiled.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I am very grateful to the mover of this resolution for giving me an opportunity of explaining what the Government has done in regard to the amelioration of the people for which it has got such a concern.

I shall take up only those items which relate to my department, viz., (*ii*), (*iii*) and (*iv*) and what has been done about the others will be explained by my colleague concerned with the department. The mover in his resolution says that he wants the Government to grant subsidies to *bona fide* agriculturists for developing the undeveloped lands of the province. I regret very much to say that my hon'ble friend has no idea of the condition of things in Bengal. There is very little undeveloped land in Bengal to be developed, but I agree with him that it is necessary for Government to help the *bhadralok* class who want to take up

agricultural farming, by granting subsidies. I can assure him that we have accepted during the last budget discussion a scheme for granting subsidy and in this budget I shall be able to announce a very large sum for this purpose.

In his resolution my friend also asks us to start institutions for agricultural education and research. Unfortunately, I had no opportunity to speak before this House in regard to the last Budget. I wish to inform the House now what I said in the other House: there is going to be an Agricultural College in Dacca, the first of its kind, for imparting agricultural education. Government is also going to establish certain agricultural schools for imparting agricultural education to the people of this province. Unfortunately in this province the former Governments took no step to impart agricultural education and therefore very few of our young men had the opportunity of taking up agricultural education. Only those who could afford to go to England or to Poona or the Punjab were able to take up agricultural education, but they are few in number. This Government, as I have said already, budgeted for an agricultural college which will, I hope, be the finest of its kind not only in this country but in any other country of the world. It is going to be started in 1940. Certain other lower standard agricultural schools will also be started to impart agricultural education to the people of this province.

In item No. (*iv*) the hon'ble mover asks us to establish Industrial Banks for the purpose of advancing small loans to trained young men and to agriculturists to whom agriculture is not a dependable means of livelihood, for starting and conducting small industries. Government has already started an Industrial Corporation and an Industrial Credit Syndicate for the purpose of granting loans to young men who wish to take up cottage industries. In this connection I should like to state in this House what I have said in another place that unfortunately the people of Bengal are so enamoured of the services under Government that they have not taken up any industrial education nor have they tried to enter into industries. It has been left to the people hailing from outside, such as our friends the Marwaris, the Sindhis to come to this province to make money out of the people of Bengal. These outsiders found it very profitable to get easy money by lending money to the cultivators for whom the hon'ble mover is keen on doing something Government cannot establish industries, but it can help as far as it lies in its power; it is for the people themselves to come forward to develop the industries in this province and not allow the outsiders to come and make money in Bengal. I would appeal to the mover and through you to the people of Bengal to let the people know that the Government is prepared to help them as far as it lies in its power and that it is for the people to co-operate and help Government in starting industrial institutions and industrial credit in this province. We had a sad experience. We started an Industrial Syndicate asking the people to

subscribe and co-operate, but the only response we got was a lakh of rupees. It is hardly sufficient to give loans; a very large sum of money is needed if we want to give a start by helping the new industries.

In this connection I should like to say that in regard to the raising of prices Government has appointed two Committees, one for jute and the other for paddy, and the Government contemplates bringing forward a Bill very soon for fixing the minimum price of agricultural products, so that when it is passed the price of food-stuff in this province will be raised.

Mr. HAMIDUL HUQ CHOWDHURY: Will it come during the next cold weather?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: In fact it is almost ready. It may either be brought before the House or published very soon in an *Extraordinary Gazette*.

As I have already said in regard to industries and agriculture, very little money was spent by the former Government and very little care was bestowed on this department. The great difficulty is that we have to organise and utilise this department and that is what we have done. In this connection I have made a statement in another place and if the members of this House would like to see that, I can send them copies from which they will be able to realise that we have done more than any other province in the whole of India.

I can throw this out as a challenge which I did in the other House also. I can show by facts and figures that we have done more than any other province in India in respect of agriculture and industries.

With these words, Sir, and when I have told the House already that the Government has already made a move in the right direction in regard to agricultural education, the reorganization of the industrial syndicate for granting of loans to industrial banks, I would request the hon'ble mover to wait and see what the Government does with respect to the above-mentioned matters and also in regard to subsidies to *bona fide* agriculturists for developing the undeveloped agricultural lands. In view of my assurance, Sir, I hope that the hon'ble member will please withdraw his resolution.

Khan Sahib ABDUL HAMID CHOWDHURY: On a point of information, Sir. An Agricultural College has been started at Daulatpur and some students have already been admitted there, but I understand, Sir, it has not yet been affiliated to the Calcutta University and hence students are in great difficulties. May I request through you, Sir, the Hon'ble Minister to throw some light on the matter?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, may I have your permission to reply to this point? I am afraid that my hon'ble friend does not realize that agricultural education as is going to be imparted in Daulatpur has no connection at the present moment with the Calcutta University for the reason that Government have not decided as yet if they are going to have these agricultural institutions conducted by Government themselves, or they are going to co-operate with the two Universities of Dacca and Calcutta. But there is already a talk going on between myself and the authorities of the Calcutta and Dacca Universities, and in view of that I would request my hon'ble friend to wait and see what Government propose to do in this connection.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Mr. President, Sir, I have the highest regard for the sentiments of my hon'ble friend, the mover of this resolution. I will only mention one fact, viz., that I yield to none in the desire that he has expressed that we should take steps by which the problem of ameliorating the distressed condition of our rural indebted masses might be solved.

Sir, in this resolution of his, my hon'ble friend desires that a Committee be appointed of members of both the Houses to give effect to the various suggestions that he has mentioned. In the first instance, Sir, I would only like to point out to him that a committee of this nature will not be able to deal with the subject in the way in which he desires them to do. Sir, in this resolution of his he has shown a very great interest as to how the indebtedness of the rural masses and the agriculturists could be properly tackled—how arrangements could be made to give them credit on a long-term basis —and for that purpose whether or not judicial procedure would be the best means for dealing with the provisions of the Agricultural Debtors' Act, and in the end, Sir, he has advised us that we had better develop co-operative institutions in this province.

Now, Sir, in the course of his speech, to which I listened with very great attention, my hon'ble friend suggested that Government had really taken some steps in all these directions, but according to him they were not sufficient. He has been good enough to characterize some of the activities of Government as practically tinkering with the whole problem. Now, so far as the question of giving long-term credit or short-term credit to the agricultural masses is concerned, we have to understand it definitely that when we talk of credit it must be credit and not charity. Sir, to give proper credit facilities to the agriculturist masses in the interior, Government have certainly taken steps in the direction in which they have been advised, regard being had to all the surrounding circumstances and regard being had to the limitations under which they have been working.

Sir, my hon'ble friend has mentioned that we have started a few land mortgage banks in this province. My hon'ble friend certainly knows that we have established at least five land mortgage banks in the five Divisions of this Presidency, and I should have expected my hon'ble friend to know the working of these land mortgage banks better, especially because one of these banks has been established at the headquarters station of his own district, viz., Comilla. He should also have known that when these banks were established Government gave a guarantee that they would go to the extent of Rs. 12½ lakhs for the proper functioning of these banks. I do not think I shall be justified in entering into a detailed discussion as to how these banks have been functioning. Government told these banks also that until and unless they were able to do that sort of business by which they would be able to manage their own affairs, Government would give them financial help to meet their establishment charges, and as a result of that agreement or rather assurance, Government have really given these banks some financial assistance all these years.

Now, Sir, we really expected that these banks would do greater business than they are doing now. But what are the difficulties that have stood in the way of these banks functioning to the extent that Government envisaged and expected? The difficulties that stand in the way of these banks—and I say this with the experience that we have gained from the working of the five different banks in the five Divisions—are that in many cases the co-sharers of holdings are not willing to join the applicant for a loan. In the second place, the holdings are so small that they cannot be considered to be economic. In the third place, the title-deeds of applicants for loans are not always very clear, and in the fourth place, the persons likely to borrow have been waiting to see what deductions they can get through the operation of the Agricultural Debtors' Act.

Sir, I am entirely at one with my hon'ble friend when he states that there is some amount of disinclination on the part of the rural people to pay. If they had only been told that they have got to honour their obligations, it would have been possible for Government and for these banks to be of much greater assistance to them. Now, for that, Sir, I submit with due respect, that Government of the day is not responsible. There has been this tendency which many of us fail to realize or point out to them, but we cannot help it. We all deplore it. We have only been able to give that help which, with our limited resources, it has been possible for us to do. But then, Sir, we are not yet hopeless, for we are pushing on with that scheme of land mortgage banks system. In point of fact, Sir, when we came before this House with our proposals to amend the Public Demands Recovery Act, we gave an assurance to this House that we would push on with this scheme of ours, and we would try and see that we got money from public bodies at a much cheaper rate of interest, so that

we might be able in the end to help the agriculturists with money on a long-term basis at a cheaper rate of interest, and from that point of view, Sir, a scheme to have a larger number of land mortgage banks is under the consideration of Government, and we hope that we shall be able to bring it to a successful finish within a reasonable time.

Sir, with regard to the operation of the Agricultural Debtors' Act I have had occasion to mention some facts to this House as well some time ago. These Boards have been functioning for about fifteen months now. It is no doubt true, as my hon'ble friend pointed out, that they had not been able to move on very speedily. Sir, you know very well the composition of these boards. They are mostly non-official except those special boards established at the subdivisional and district headquarters for which we have got the Circle officers as Chairmen; but the Debt Settlement Boards which have been established in the interior are all composed of non-official gentlemen. They are neither trained lawyers nor trained Judges, and therefore to understand the complications of an Act of this nature it must take at least some time for them. But the reports that we are having show conclusively that they are making very great headway. In point of fact, Sir, I have had occasion to give answers in reply to a question in this House when I informed the hon'ble members the number of applications that these Boards had received, the amount involved in these applications, the amount determined, and the amount at which awards were finally made. Sir, I have had reports since then which show clearly that they are making much greater progress, and they are getting to know gradually these things more and more.

Now, Sir, with regard to the suggestion made by my hon'ble friend that we should take to some sort of judicial procedure in order that these questions may be properly dealt with, I am afraid, Sir, it is not possible for us to do so, for it was settled as a matter of policy that if we were compelled to go to court it would take considerable time and would involve not only expenditure but various other inconveniences, and if we are at all to go to court then it will be difficult for us to deal with this problem in the way in which we all desire it to be done, namely, the time, the money, the labour, and so forth will stand in our way. I submit, therefore, Sir, that there is no case made out by which we would be justified or this House would be justified to agree to a course of this nature. I can really feel for my hon'ble friend although he has not openly said so—there might be an idea latent in his mind—that the members of the legal profession have been affected to some extent by the operation of this Act. I have myself been a member of that profession for the last twenty-three years and I can very well feel for the members of that profession when it is suggested that they have been hit to some extent.

But, Sir, this is a matter which is neither here nor there, for we have made provision for them as well inasmuch as we have provided for appeals against the orders of these Boards to the special appellate courts. There of course, their services are requisitioned; but when these cases are to be disposed of by the Debt Settlement Boards sitting in the villages, I submit with all respect, Sir, that it is not possible for us to agree to a course of that nature, although I say once again that no definite suggestion has been made from that point of view.

Then again, Sir, if judicial officers were to be entrusted with this task, the question would arise that we should have to appoint a large number of officers of that grade to be moving about in the villages for the purpose of dealing with cases of this nature. I therefore submit, Sir, that it is not a practical proposition, and I hope my hon'ble friend, Mr. Dutta, will realize it, and not press this matter any more.

Now with regard to co-operative societies, Sir, I am sorry to have a very rough, rather unkind, expression from my hon'ble friend, for while he admits that when these societies were established in this province they did really render some service, he is inclined to feel now that they have not rendered that amount of service which was expected of them. Sir, in this province with the Bengal Provincial Co-operative Bank at the head we have 118 central banks functioning in the interior and attached to these we have got 19,896 village societies (roughly about 20,000), the membership of which is about 4,46,000. It cannot be denied that when these societies were established in this province—first under the Act of 1904 and then under Act II of 1912 passed by the Central Legislature—all of them did render a very great service to the rural population. While they had to borrow at a rate of interest varying between 60 and 75 per cent. before, the rate was brought down to 12 to 15 per cent. and most likely the rate of interest has gone further down. Now so far as the activities of this department regarding this subject are concerned, we have had recently a stock taken of the assets and liabilities of the members belonging to these 20,000 societies. We have found that it is not possible for them to pay up all their debts and therefore we have had a scheme under examination as to what would be the amount at which the liabilities can be fixed, so that they will be in a position to pay and when this is done, the idea is to spread those liabilities over a certain number of years to be paid conveniently and suitably, so that there will not be any difficulty for them to meet their obligations. When this is done the interest will cease to run. I hope therefore that I have given an account at least to such an extent as will induce this House to agree that we have taken some step by which it can be said that we have been able to render some service towards solving the heavy problem of rural indebtedness.

As regards further development we have recently started organising sugar-cane societies in the districts of Rajshahi and Dinajpur. This was the answer which I gave the other day in reply to a question put to me. We have also taken up a scheme for the development of an institution called "Nalicha Industrial Institution" in the district of Khulna, which is under examination. All I want to submit is this, that from whatever point of view you will be good enough to look at our activities, I hope we have given a satisfactory account of the same. With these words, Sir, I request my hon'ble friend Mr. Dutta to withdraw his motion for the time being, so that we may have a chance to examine these various questions in greater detail and see if we can really give any more satisfactory account of ourselves. I leave this for the consideration of my hon'ble friend, the mover of the resolution.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, it is needless for me to say that I have every sympathy with the spirit which has prompted my friend to table this resolution. But, Sir, if the preparation or enumeration of the catalogues of our evils could have improved the position, all our ills would have been finished by this time. The whole thing is not to do the obvious but to find out means by which these things can be remedied. My friend has mentioned that European countries have taken over the debts of all the agriculturists and paid them up from the State. It may be so. I do not know whether all the debts have been taken over irrespective of the fact that some may be good, bad or indifferent, by any Government. Assuming that in some countries it has been possible to do so, I would request my friend to realise the position in this province. Ours is not a country like that, in the sense that we have not got power to build the entire economic structure of our society. We are only a Provincial Government. In Bengal we have not got sufficient machinery (even if we have to lend money directly to the agriculturists) either for lending or for realisation. In the provinces where the *Raiyatwari* system prevails, they have got their revenue offices in every village and they can give loans through these revenue officers and also realise loans at the time of realising their rents. But here in Bengal this is not possible. If the entire structure of the credit organisation has to be taken over by the Government, Government will have to employ a lot of officers. Then, Sir, even if you have got money and machinery to advance loans, if you have to advance loans to those who have got training, you cannot lend money to those who have not got credit; as my friend Mr. Mullick has said "it is credit and not charity". These are the difficulties which have to be encountered in providing for the rural credit in this province. Mr. Dutta has said that we should establish agricultural banks in every Union. It is a very laudable object no doubt; but what is our experience? Government have established

five land mortgage banks and at the time of establishment it was stipulated that if the land mortgage banks can invest at least two lakhs of rupees, they will be self-supporting. But during these three years since their establishment none of the banks has become self-supporting. The reason for this is that they do not find sufficient proposals on which loans can be advanced. About a month back I went to Mymensingh to inspect one land mortgage bank. I found that within a year they could not invest more than Rs. 40,000 and from the report of the working of the land mortgage banks in Bengal for the year ending 30th June, 1937, you will find what is really the position of investment within the countryside. During the year the land mortgage banks received 2,725 petitions of which they entertained only 1,130. One thousand five hundred and eighty-seven petitions have been refused. The reasons of this refusal in some cases were that the security consisted of non-economic holdings and the circumstances of the persons wanting it were unsatisfactory. If the security is not good, the land mortgage bank cannot advance money. In another case it was unsatisfactory conciliation, I mean the Debt Settlement Board reduced it to a figure which the borrower could not repay out of his assets. Another ground is the unwillingness of the co-sharer to join and for that reason 480 applications had to be refused. Another ground was inability to produce surety and about 140 applications had been refused on that ground. Even if we establish, as my hon'ble friend proposes, one land mortgage bank in every Union, under the present state of things, there is not sufficient business that can maintain these banks.

My friend Mr. Mookerjee said that Government would say that they had done enough. Whatever charges you make against us, we have got a sense of proportion and we cannot say that in a huge task like this Government have done enough. Government are willing to do enough but really the position is very difficult and this is the reason why Mr. Narendra Chandra Datta, who has got experience in banking, has not spoken on this resolution. Because he understands that it is very easy to secure praises and to prepare a catalogue of our ills but he himself knows how difficult it is to provide rural credit.

Regarding industrial banks my friend has said that Government has done nothing. Government in the matter of the Industrial Syndicate did not at the first instance pay the capital. Government gave a guarantee to the extent of 50 per cent. of the capital up to the extent of Rs. 10 lakhs. Also Government gave a guarantee to pay the running expense at the rate of Rs. 20,000 for ten years till subscriptions were available. Government from their own fund paid money to this bank. But sufficient business is not coming so that the bank may have an easy run-on. I do not say that because there are difficulties we shall not do anything about rural credit. As a matter of fact we have prepared a scheme and it is before the Cabinet now for final consideration. We shall not be able to establish banks in every Union,

but we hope that we shall be able to establish banks in every subdivision. Even if we can provide money (we will try to raise a loan of Rs. 2 crores) within six months, we shall be able to establish banks in each subdivision, although it is very difficult. This rural reconstruction business is very laborious and of slow progress.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Let us make a start.

The Hon'ble Mr. NALINI RANJAN SARKER: We have already started. Five land mortgage banks are running efficiently. So we have to revise our programme, revise our plan and we shall try to do things as best as we can. I can assure the House that during the next Budget, so far as the rural credit is concerned, we shall be able to place before the House a scheme which will be acceptable to every practical politician.

Dr. RADHA KUMUD MOOKERJI: Sir, I did not at all like to intervene at this late hour in this debate on a resolution with which all my friends here are apparently in sympathy, but I have been provoked to speak on the subject on account of the speeches to which I have listened from the Treasury Benches. I am afraid that the tale of woes of the agriculturists have been met by Government with a tale of deeper woes.

Government has alarmed us by saying that nothing can be done to improve the lot of the agriculturists on account of the fact that the foundations of credit are not there. You may talk big about banks, credit agencies and organizations for the supply of cheap capital, but all these cannot supply cheap capital and the Hon'ble Finance Minister has just now admitted that the foundations on which the structure of a credit organization would rest, are lacking. Certainly it is a very grave case which demands an enquiry and attack from all possible fronts. You cannot leave the prolem of the peasantry where it is.

The Hon'ble Mr. NALINI RANJAN SARKER: Who said so?

Dr. RADHA KUMUD MOOKERJI: Well, Government say they are trying to establish more banks. What banks! But the banks will not work, because according to Government, there are not sufficient applications for taking advantage of the credit facilities which are given by Government, and therefore the evil goes deeper into the roots of your economic structure, and if I may say so, the evil goes to the roots of the social structure also. The result is that the poor peasants are, as before, almost in a state of starvation and insolvency. Now on the

admission of Government themselves, the poor peasant is insolvent; he is not fit to take advantage of the credit facilities. However low you may make the terms of credit, the peasant will never be able to go up to your standard. Therefore, all your institutions will come to nothing. You cannot make any bank prosperous. You may establish on paper several banks, but the banks will not be functioning for the simple reason that the conditions upon which the working of an efficient bank depends, are lacking because of the fact that the condition of the agriculturists has been reduced to that of insolvency. I was just now rather surprised at a statement that was made by the Hon'ble Finance Minister to the effect that some of the holdings of the peasants were not at all economic. Now this Bengal Tenancy legislation of which so much has been made—of which so much political capital has been made by many parties and groups—one of the provisions of this wonderful piece of legislation is that the holdings should be further subdivided so as to make them more uneconomic. And if I remember aright, a holding can count as a holding on the payment of a rent of about eight annas only per annum. So you are blowing hot and cold in the same breath. You have not done anything which will really improve the conditions of the peasantry as they are, at the very foundation. You may talk big about banks and credit facilities, but you must go deeper into the problem.

The Hon'ble Mr. NALINI RANJAN SARKER: But give us a panacea for improving the condition of the agriculturists. It is very easy to criticise inasmuch as you have not to devise ways and means.

Dr. RADHA KUMUD MOOKERJI: Certainly we have a right to criticise inasmuch as we have not assumed the reins of office, but you on the Treasury Benches, who are supposed to be the custodians of the public purse, are frittering away the public funds. But why did Government make matters worse by making uneconomic holdings more uneconomic by still greater fragmentations?

The Hon'ble Mr. NALINI RANJAN SARKER: That is because nobody here listens to your advice!

Dr. RADHA KUMUD MOOKERJI: You have gone against the entire trend of social and economic legislation in this regard. You really condemn the people because they cannot run banks. But at the same time you condemn the peasantry, because the peasantry cannot support any banking institutions for the mere fact that they do not show sufficient stability or have sufficient security at their disposal so as to deserve any extension of credit to them. Therefore, where do we find the peasant to-day? Although there may be banks they will remain dead institutions, they cannot function properly. Therefore,

I say in all seriousness—and it is not a mere passing remark—that we are not here only to indulge in certain words of reply. There is a resolution suggesting certain remedies, but the Government will not consider it. They simply say that there can be no more remedies and that they are doing enough in the matter. But what they are doing does not at all touch the fringe of the problem. On their own admission, Sir, they have multiplied uneconomic holdings all over the country. They have thrown the peasant into a condition of utter starvation and insolvency, and, therefore, unless something is done to raise the lot of the peasant, nothing else will suffice to remedy this desperate situation. I, therefore, hope that Government will really be more earnest in this matter and devise ways and means by which the root problems may be tackled. We do not want to move these resolutions for the sake of mere fun, but what we want is action.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: How is this to be done?

Dr. RADHA KUMUD MOOKERJI: Well, if you want me to solve the problems of Bengal, economic and social, I have got many kinds of schemes aiming at economic and social reform, but I think that this is not the occasion on which I can expatiate on those things. I think Government will not get any credit if they simply confine themselves only to giving answers which are absolutely barren and fruitless and which lead us nowhere.

Mr. HUMAYUN KABIR: Mr. President, Sir, like the Leader of the Opposition, I also had no desire at first to take part in this debate, but I think he is at least partly responsible that I feel it necessary to offer a few remarks. I do not propose to enter into the question of land legislation because that is not the subject-matter of to-day's debate. But I think it is generally agreed that in this matter, the Government have gone in the direction in which public opinion wanted them to go, and if we criticise them at all, it is because they have not gone sufficiently far, nor probed deeply into the problems that confront us. Therefore, the line of criticism adopted by the Leader of the Opposition goes against the accepted policy of his own party. I would myself go further and say that this tendency to give the cultivator greater freedom to transfer his holdings—and this may lead to further fragmentations of land—may seem to be a danger but it has certain potent possibilities in it. One of the main causes of the economic stagnation in Bengal has been the comparative rigidity and closeness of land tenures in Bengal. If assets are liquefied there will be the possibility of quicker transfers. And, therefore, it may be that some persons will become patently the landless proletariat which they actually are, but which position is now concealed by the

appearance of possession of land. Their holdings are so uneconomic that most of the tenantry are partly day labourers and partly proprietors. By this, the cloak will be taken away and we shall find persons who are actual labourers discovered in their true guise. On the other hand, there will be also a possibility for men to accumulate holdings so that agriculture on a more scientific and industrial basis may be possible. That is all I want to say as regards this matter.

I now propose to turn to some of the remarks of the Hon'ble Finance Minister. The Hon'ble Finance Minister has tried to explain to us some of the problems which the land mortgage banks face in order to meet the credit difficulties of the rural population, and no doubt he has given us a correct picture of the difficulties, but then he has not suggested what ways and means he proposes to adopt in order to overcome and tide over those problems of credit. Credit, no doubt, is absolutely necessary, and we shall have to build up credit, but what I want to submit is that the Government must take a greater initiative in the matter of industrialization of the province on a large scale. Till Government take a definite initiative, I think nothing can be done and here it is particularly pertinent because this scheme of industrialization can be applied with regard to agriculture as well. Agriculture can be industrialized from that point of view, and I think the Hon'ble Minister for Agriculture was definitely wrong, or wrongly informed, when he said that there were not many acres of undeveloped land in Bengal. I would like to refer him to the Census of 1931 in which he will find that a considerable portion of arable land in Bengal is not cultivated, and I am sure that it will not be less than one-fourth of the total amount of arable land in Bengal. This land can very well be brought under cultivation under proper conditions, given better irrigation and drainage facilities. Here is a scope for the Government to do far greater good to the peasantry than they have done till now.

The Hon'ble Minister spoke of the establishment of an Agricultural College. That is all to the good. We shall also welcome other beneficial measures which he has in view. But our quarrel with him is that the process is not quick enough and that attempts at realizing the ideal are not intense enough, nor are they sufficiently acute and intelligent. And if this fact is realized, that about one-fourth of the total arable land of Bengal is not under cultivation, if the fact is realized that this can be brought under cultivation by Government initiative and if the question of supplying rural credit is seen in its true perspective, I think Government will get an entirely new light in their approach to the solution of the problem of rural indebtedness and agricultural stagnation to be found in the villages of Bengal to-day, and I would request Government to proceed from this point of view and from no other.

Mr. KAMINI KUMAR DUTTA: Sir, the magnitude of rural indebtedness is admitted. It is further admitted that remedy is to be sought for. But shelter is taken, if I may be allowed to say so, almost under a pretence that Government has started credit societies but not charitable societies. We have not asked for societies of charity; we have asked for societies of credit. As to the establishment of credit, if other countries have succeeded in removing the indebtedness of the rural population, we fail to understand why our Government should not succeed in that attempt. What is really wanted is that there must be real intent to ameliorate the condition of the peasants. If there be a real intent and a real desire, action will accordingly follow and means will be found. The problem is there; the country does not exist simply for our discussion in this House. The only object of discussion is to put the matter prominently before those who are in charge of the administration of the province and if they fail in their duty, if they do not find means for the amelioration of the conditnon of the peasantry, such sort of excuses will not suffice. Means have to be found, measures have to be devised, to remove this rural indebtedness, to ameliorate the condition of the people, however drastic those provisions may appear to be. Other countries have succeeded; we shall also succeed.

Now, one is tempted to inquire what influence has this Government exercised over the Reserve Bank for the utilisation of that portion of the funds reserved for agricultural aid.

Mr. PRESIDENT: Order, order. The hon'ble member is not to make any new point in his reply. All that he has got to do is simply to meet the points already raised.

Mr. KAMINI KUMAR DUTTA: I submit to your ruling, Sir.

Now coming to agricultural institutions the Hon'ble Minister in charge of Agriculture and Industries has stated that schools have been established for the purpose of spreading agricultural knowledge. But in this connection it has to be remembered that the fruits of labour of such institutions really do not permeate the lower strata of society; agricultural population in general do not derive any benefit from them——

The Hon'ble Khwaja Nawab HABIBULLAH Bahadur, of Dacca: On a point of personal explanation, Sir. I never said that. What I said was that an Agricultural College was being started and that Government contemplated taking over all those institutions which have been started and converting them into agricultural colleges.

Mr. KAMINI KUMAR DUTTA: I want to say that agricultural colleges will be of very little or no benefit at all. They may be very useful as research institutions. What I intended by my resolution is this—that there should be agricultural organizations centrally situated in a village within a group of villages to disseminate agricultural information and to aid the agricultural population with knowledge of all sorts of modern tools and machinery for agriculture. If you would permit me to refer, Sir, to agricultural activities in Soviet Russia, I would say that there are institutions situated in units of villages there, for the spread of knowledge in the use of modern tools for agriculture amongst the rural population. A college situated in a distant town will be really of very little benefit to the entire agricultural population. And, therefore, I suggest that there ought to be units established in the rural areas for the spread of information and knowledge on agriculture, and to train up the agricultural population in the use of modern tools of agriculture and other things.

Then it has been said that some credit syndicates and other things are not working. I need not refer to those things.

Another remark by the Hon'ble Minister about the clause in my resolution to devise suitable judicial procedure for compulsory and fair adjustment and scaling down of accumulated rural debts is a fling at the lawyers. I do not belong to a class of lawyers who will go to an agricultural body, but at the same time I may say that I belong to a profession which will not have a hungry look for some sort of profit from the agricultural people. What I intended is this; that all these matters be referred to ordinary courts. Let there be a special tribunal for that purpose if necessary but let that be of a judicial character. Shut out the lawyers. If there be a judicial tribunal, that will be under the control of the Hon'ble High Court and any sort of vagary will be impossible to perpetrate.

As regards co-operative societies, my only desire is that the scheme be really worked and not merely ended in words.

Mr. PRESIDENT: The question before the House is that this Council is of opinion that steps be taken by the Government in order that a Committee consisting of members of this House and of the Legislative Assembly may be formed with power to co-opt experts in the Committee, to formulate a scheme and to suggest proper legislative measures to give effect to the following and to report these to this House:—

(*a*) to solve the problem of agricultural indebtedness, and in order to effect this—

(*i*) to provide for advancing long-term loans to agriculturists towards the liquidation of agricultural debts, and

(*ii*) to devise suitable judicial procedure for compulsory and fair adjustment and scaling down of accumulated rural debts;

(*b*) to re-organise rural economy of the Province, and for this purpose—

(*i*) to establish agricultural banks in all unions for advancing short-term loans to the agriculturists at a small interest against hypothecation of crops or mortgage of lands, as the case may be;

(*ii*) to grant susidies to *bona fide* agriculturists for developing the undeveloped lands of the province;

(*iii*) to start institutions for agricultural education and research;

(*iv*) to establish industrial banks for the purpose of advancing small loans to trained young men and to agriculturists to whom agriculture is not a dependable means of livelihood, for starting and conducting small industries;

(*v*) to develop co-operative institutions.

Since then the following amendment has been moved: that the words (1) "that a Committee consisting of members of this House and of the Legislative Assembly may be formed with power to co-opt experts in the Committee" occurring in lines 2, 3 and 4 be deleted and (2) that sub-clause (*ii*) of clause (*a*) be deleted.

Mr. KAMINI KUMAR DUTTA: I am ready to accept the amendment.

Mr. PRESIDENT: It is no question of your accepting the amendment. The amendment is before the House and it is for the House to decide.

The amendment was agreed to.

Mr. PRESIDENT: The question before the House is that the resolution, as amended, be passed.

The resolution was carried.

Motion under section 118 of the Rules and Standing Orders.

Mr. NUR AHMED: I beg to move that this Council is of opinion that the conferring of any titles of honour or titular distinction on any person in Bengal by His Majesty or His Excellency the Governor-General be discontinued as early as possible.

In moving this resolution I think I owe an explanation to the hon'ble members of this House as to why I have tabled it in this House, where, if not all, at least most of the members are title-holders. I presume that with some honourable exceptions the remaining members are expected to be so at no distant date. Of course I exclude my hon'ble friends of the Congress Group even though I find in that group the names of some title-holders. The one patent reason which has led me to move this motion is that as most of the hon'ble members of this House are already enjoying this distinction, they would support me and I have worded my resolution in such a way that those hon'ble members who are still unfortunate in not getting it, may be blessed with the same in the meantime. So I used the words "as early possible".

Roughly speaking at present in India there are about 5,000 Khan Sahibs, 5,000 Rai Sahibs, 1,000 each of Khan Bahadurs and Rai Bahadurs, 700 Commanders of the Indian Empire, 300 Commanders of the Star of India, 150 Knight Commanders of the Indian Empire, 100 Knight Commanders of the Star of India and 50 Grand Commanders of the Indian Empire. There are 30 Grand Commanders of the Star of India, 70 have the title of Raja, 30 Maharaja, and so on.

The above statistics will show that we have already got a sufficient number of title-holders in our province and the time has now come to press for the discontinuance of these titular distinctions. There is no denying the fact that this system of conferring of titles has existed in all countries of the world. As a matter of fact, titles have been coveted everywhere from time immemorial. Now it is time for this practice to stop——

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of order, Sir. My friend is reading out a long list of the titles which have been conferred upon the people. My point of order is whether this House is competent to consider this question, having regard to the fact that the conferment of titles is the prerogative of His Excellency the Viceroy.

Mr. NARESH NATH MOOKHERJEE: We are simply making a recommendation.

Mr. PRESIDENT: It is not an ordinary resolution, but it is a motion under section 118 of the Rules and Standing Orders.

Mr. NUR AHMED: Now the question to consider is whether this practice has been encouraging public spirit. The method of awarding titles is in itself so invidious that it does not help to stimulate public spirit. The original conception was to have a large band of

honorary workers who would work for the better progress of the country not for monetary gains but for the love of public work itself; but this purpose has not served well. It has rather tended towards creating a sort of invidious distinction between workers and workers; in some cases it has entailed bitter disappointment and discouragement. Though the titles have been showered like blackberries, still they have left a legion disappointed. Moreover the power of conferment of the titles has been abused in countries where it exists and has sometimes led to corruption and degeneration in public life. Professor Barriedale Keith in his book "Responsible Government in the Dominions" has cited the example of the Scotish baronet who owed his rank to the payment of large sums of money to Mr. Llyod George's party fund with the result that the baronet lost his business and committed suicide and the money had to be refunded. This is a typical example of how this lure of title ruins an individual. In India also such examples are not rare. This has led the political thinkers and statesmen to strongly advocate the abolition of the system of conferring titles. There is a large volume of world opinion in favour of the abolition of this system. Many free countries have condemned the practice and have already abolished it. The United States of America, the Irish Free State, the Union of South Africa and the Dominion of Canada have already discarded the practice. It is a fact that for centuries, orientals have coveted titles; but the democratic wave which followed the war has caused the so-called unchanging East to change. In succession Turkey, Persia and Iraq have abolished all traditional distinctions of nobility.

We must respect world opinion and recommend the abolition of a system which has led to much individual heart-burning and abuses in public life.

It is said that with the inauguration of provincial autonomy we are advancing towards real democracy. If so, I appeal to the hon'ble members of this House to prove this assertion by according unanimous support to my resolution.

Mr. PRESIDENT: Motion moved: that this Council is of opinion that the conferring of any titles of honour or titular distinction on any person in Bengal by His Majesty or His Excellency the Governor-General be discontinued as early as possible.

Mr. NARESH NATH MOOKERJEE: Sir, as far as this side of the House is concerned, we do not seek any favour nor do we accept any patronage or good-will from the Government in this direction. We can offer our whole-hearted support and sympathy to the mover of the resolution.

Mr. NARESH NATH MOOKERJEE: So far as the resolution itself is concerned, I have only a few words to say. Under the old regime it became necessary to confer these titles on certain classes of people, for instance, those who had rendered efficient and long service to Government or to those who in view of their outstanding social position deserved some recognition or to those who owing to their special merit deserved the same. To-day the conferring of titles and other distinctions has become a mere farce and properly speaking has boiled down to a source of patronage, which Government can give to a large number of members of this House as well as to the public.

I, therefore, again repeat that Mr. Nur Ahmed's resolution has our whole-hearted sympathy, but I am afraid—I am almost sure—that the measure of support that he is likely to get from other quarters is very small, and though I do not feel justified in asking him to withdraw it, I do feel this much that it will be quite useless for him to press this motion to the vote, because it will be turned down by the majority of the House. I do not say that we do not approve of it. On the contrary, we extend our whole-hearted support to him in this motion of his. I should, however, like to hear some other speakers on the other side of the House as to what they have got to say in this matter.

Mr. PRESIDENT: Order, order. I shall now adjourn the House.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 17th August, 1938.

Members absent.

The following members were absent from the meeting held on 16th August, 1938:—

(1) Baksh, Mr. Kader.
(2) Karim, Khan Bahadur M. Abdul.
(3) Khan, Khan Bahadur Muhammad Asaf.
(4) Muhkerji, Rai Bahadur Satis Chandra.
(5) Ormond, Mr. E. C.
(6) Rahman, Khan Bahadur Ataur.
(7) Roy Rai Bahadur Radhica Bhusan.
(8) Benthall, Sir E. C.

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THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 17th August, 1938, at 2-15 p.m., being the seventh day of the Second Session, pursuant to section 63 (2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Copying and comparing work in the Registration Department.

51. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether in court offices under Government there are two separate establishments, one for copying and another for comparing?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state why separate remuneration is not paid to those engaged in comparing work in the Registration Department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) The question of the payment of separate remuneration for copying work does not arise because the pay of the members of the permanent staff and the rate of remuneration for outsiders employed as extra *muharrirs* have been fixed in consideration of both copying and comparing work.

Dr. RADHA KUMUD MOOKERJI: Arising out of the answer to clause (*b*), I wish the Government to define clearly, instead of having recourse to any subterfuge, what is the definition of "outsiders" who are asked to do Government work?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, it was mentioned on the last occasion in reply to another question that those who were employed temporarily, when there was an accumulation of work, were called "outsiders."

Dr. RADHA KUMUD MOOKERJI: Is there no limit to this kind of unsettled employment, as I find that some people have been employed for years and still they are being treated as temporary staff? It really means very great oppression to them.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I think the hon'ble member is not entitled to enter into discussions.

Dr. RADHA KUMUD MOOKERJI: I want you to define clearly what are the tests by which you differentiate the two classes of Government servants, since you take advantage of the labour of "outsiders" for any number of years?

Mr. PRESIDENT: Will the Hon'ble Minister explain to Dr. Mookerji as to how he differentiates between "outsiders" and ordinary workers.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I believe, Sir, an ordinary Government servant is a wholetime worker, whereas an "outsider" is employed only temporarily.

Dr. RADHA KUMUD MOOKERJI: Is there no limit to this temporary period?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I believe there is none.

Mr. SHRISH CHANDRA CHAKRAVERTI: Is it not a fact that the so-called "outsiders" are employed without cessation for a period of eight or ten years in a temporary capacity? What does the Government mean by using the word "outsiders"?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am not aware of any such case. As regards the latter part of the question, I have already replied to that.

Pay of the employees of the Registration Department.

52. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the employees in the office of the Registrar of Assurances, Calcutta, cannot draw the maximum of pay even after putting in about thirty-five years' service or more?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister kindly state the reasons for the same?

(*c*) Does the Hon'ble Minister propose to take steps for its remedy immediately?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Minister in-charge of the Education Department): (*a*) and (*b*) A person appointed as a copyist or clerk in the Calcutta Registration Office reaches the maximum of the time-scale of his grade long before he completes a normal period of service. But a person who is appointed as a copyist cannot expect to reach the maximum of the time-scale pay of the higher posts unless he gets fairly rapid promotion. Promotion depends upon seniority, merit, and the occurrence of unforeseen vacancies in the higher grades by death and other causes.

(*c*) As there are no exceptional circumstances in this case, and the conditions of service are the same as in most other offices, Government see no necessity to take any action.

Cultivation of cotton in Bengal.

53. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether up to the first half of British Rule, Bengal, besides being self-supporting in the matter of cotton-manufactured goods, exported the finished products abroad and whether now Bengal is dependent to a large extent on imports of cotton and cotton goods?

(*b*) Is it a fact that a *bigha* (one-third of an acre) in Bengal yields 1¼ maunds (102 lbs.) of cotton lint? If so, would this sell usually for Rs. 33-8? Would cotton seeds fetch Rs. 2-4 per *bigha*? What is the Government estimate thereon?

(*c*) Is it a fact that after deducting expenses of cultivation, a *bigha* of cotton would leave a profit of Rs. 14-8? What is the Government estimate thereon?

(*d*) What is the average profit in jute on a *bigha* of land after deducting expenses? Would it yield more than Rs. 4-12?

(*e*) Which portions of Bengal are more favourable for long-staple cotton cultivation?

(*f*) How many acres of land are now under cotton cultivation in Bengal?

(*g*) What has Government done so far and also what does Government propose to do to encourage extensive cultivation of long-staple cotton in Bengal and to revive the old glories in this line?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) It is doubtful whether the province within its existing boundaries has ever been self-supporting so far as cotton is concerned. In the period referred to, viz., up to the first half of British Rule, export was practically limited to a few pieces of the famous Muslin. Bengal is at the present time dependent to a large extent on imports of cotton and cotton goods.

(*b*) and (*c*) I am at present experimenting on long-staple cotton in fairly large areas under cultivators' conditions. I cannot supply accurate figures or make accurate estimates before the completion of the experiment.

(*d*) The average profit on a *bigha* of jute for a cultivator employing no hired labour is, according to present prices, roughly Rs. 20 after deducting expenses on seed, rent and other charges. Even taking the cultivator's own labour into account and deducting the cost of hired labour in case hired labour is employed, the profit is much more than Rs. 4-12 per *bigha*.

(*e*) The experiment I have already referred to, is expected to determine what parts of Bengal are favourable to the cultivation of long-staple cotton.

(*f*) 58,000 acres, almost the whole of which is under short-staple cotton.

(*g*) With effect from the 1st May, 1938, I have, in collaboration with the cotton mill owners, started a five-year scheme for experimenting on long-staple cotton. About fifty *bighas* of land in each of the districts of Bankura, Midnapore, Murshidabad, Rajshahi, Dacca and Chittagong are being put under this crop for the purpose of finding out areas suitable for it. If these experiments succeed, wider experiments in other parts of the province will be carried on.

Mr. LALIT CHANDRA DAS: Will the Government be pleased to state whether they would similarly take up fifty *bighas* of land in the district of Tippera to experiment on long-staple cotton?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already stated, Sir, that if the present experiment succeeds, Government will take steps to have such experiments conducted in other places. At the same time, I can assure my hon'ble friend that I am looking into the feasibility of this experiment at Tippera.

Dr. RADHA KUMUD MOOKERJI: With reference to answer to clause (*a*), will the Hon'ble Minister be pleased to state whether his history is quite accurate? My information is quite otherwise.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of DACCA: According to my friend's information it may not be so, but so far as my knowledge goes it is so.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that if according to Government statistics the average yield of jute per acre is only sixteen maunds, the gross value will be only Rs. 25 and not more?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I do not know, Sir, how much. It is a matter of opinion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is not a matter of opinion; it is a matter of statistics.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say exactly how much. In any case, I should like to have notice.

Mr. NARESH NATH MOOKERJEE: On a point of order, Sir. How can statistics be a matter of opinion? (laughter.)

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it not a fact that experiments have been carried on in the Dacca Farm for a long time?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Experiments of all kinds are carried on in the Dacca Farm. I do not understand exactly the question of my hon'ble friend. What experiments is he referring to?

Rai KESHAB CHANDRA BANERJEE Bahadur: I am referring to cotton, *vide* answer to clause (*g*), and not to any other commodity. Will the Hon'ble Minister please state whether experiments have been carried on in the Dacca Farm for a number of years?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: How does that arise out of answer to clause (*d*)? What type of experiments does my friend want to know about?

Mr. SHRISH CHANDRA CHAKRAVERTI: My friend, the Rai Bahadur refers to answer to clause (*g*) and not to clause (*d*).

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: In the Dacca Farm, Sir, certain types of long-staple cotton are being

experimented on, and if the soil of the different parts of Bengal is found suitable, Government will no doubt consider the question of carrying on similar experiments in such tracts.

Mr. LALIT CHANDRA DAS: Arising out of answer to clause (*d*), where it is stated that "the average profit on a *bigha* of jute is Rs. 20," I should like to know whether a *bigha* is mistaken for an acre?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I do not think so. The word is so clearly written.

Mr. RANAJIT PAL CHOUDHURY: Arising out of clauses (*b*) and (*c*), what is the variety of seed used for long-staple cotton? Is it indigenous or imported?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Unfortunately, Sir, I am not a walking library and so I cannot answer these questions off-hand.

Mr. LALIT CHANDRA DAS: It is not such a complicated question as to require to be a walking library to answer it. My point was whether the word "*bigha*" was a mistake for "acre"?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have nothing more to add to my previous answer. It is quite clear in the answer that it is "*bigha*".

Mr. HAMIDUL HUQ CHOWDHURY: Is it the Hon'ble Minister's experience and knowledge that the average profit of jute on a *bigha* is roughly Rs. 20, which is an impossibility, unless it refers to an acre, because a *bigha* is one-third of an acre?

Mr. PRESIDENT: Order, order. The Hon'ble Minister has made it perfectly clear that it is so according to his information, and I cannot allow any further discussion on that point.

Sugar produced and consumed in Bengal.

54. Mr. NARENDRA CHANDRA DATTA: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) the number of vacuum pan sugar factories now working in this province and the total amount of sugar produced by these factories;

(*b*) the total amount of sugar, produced by the Bengal factories and its consumption in Bengal per year on an average; and

(*c*) the number of open pan factories now working in Bengal and the total amount of sugar produced by these factories?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The number of vacuum pan sugar factories working in 1937-38 in this province was seven. The total amount of sugar produced by those factories during 1937-38 was 492,024·119 *Cwts.*

(*b*) The total amount of sugar produced by vacuum and open pan factories in Bengal during 1937-38 was 496,239·215 *Cwts.* The average annual consumption of sugar in this province is approximately 2,684,678 *Cwts.*

(*c*) The number of open pan sugar factories working in Bengal in 1937-38 was—

(1) 10 ton capacity—ten.

(2) 20/25 ton capacity—four.

(3) 40 ton capacity—one.

The total amount of sugar produced by those factories during 1937-38 was 4,215·96 *Cwts.*

Mr. NARESH NATH MOOKERJEE: May I have your leave, Sir, to correct the Hon'ble Minister? While reading the answer he pronounced the word "Cwts." as "Kwats", the meaning of which we could not catch. I think he should have read it out as "hundredweights".

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That may be a slip of the tongue. Any man can understand that it is "hundredweights".

Bengal Fishery Expert.

55. Khan Bahadur ATAUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department kindly state what was the previous occupation of the Bengal Fishery Expert recently appointed?

(*b*) What was his pay and rate of travelling allowance in the appointment held by him previously?

(*c*) What pay and rate of travelling allowance is given to him by the Bengal Government now?

(*d*) Was the post advertised? If not, why not?

(*e*) Is it a fact that the expert declared that he would teach Bengalees to have *hilsa* culture in tank?

(*f*) Will the Hon'ble Minister please state the part of the province where such experiment has been found successful and where Bengalees can go and learn the new process?

(*g*) Will the Hon'ble Minister kindly state what amount of expenditure has already been incurred for his travelling, including the upkeep of a steam launch, if any? What is the limit of his tour?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The Fishery Expert was an Assistant Director of Fisheries in Madras before he was appointed to his present post.

(*b*) His pay was Rs. 250 per month and he drew travelling allowance at second-class rates.

(*c*) Pay of Rs. 700 per month and travelling allowance at first class rates.

(*d*) No. As the Fishery Department in Bengal was abolished fifteen years ago, there was no likelihood of a suitable expert on fishery being available in this province. The Government of Madras were therefore requested to provide a suitable expert and they lent the services of the present Fishery Expert on the pay and allowance stated under clause (*c*) of the question.

(*e*) No. The Fishery Expert told a press representative that there was some possibility of rearing *hilsa* in tanks.

(*f*) No such experiment has as yet been carried out. The Fishery Expert is now engaged in making a survey for the purpose of advising on the development of the fisheries of Bengal.

(*g*) An amount of Rs. 2,543 has so far been spent on the officer's travelling allowance. No launch has been exclusively provided for his tours. He uses the pooled district launches and also the forest launches as occasion arises. He tours the rivers and estuaries of the province.

Khan Bahadur ATAUR RAHMAN: Why was the Fishery Expert's pay fixed at Rs. 700 per month while the pay he was drawing before in another province was only Rs. 250 per month?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The question of my hon'ble friend is such a simple one that it does not require any explanatory answer. When we have no good experts of our own it is but necessary that we should pay more to get a suitable one from outside.

Khan Bahadur ATAUR RAHMAN: My question is, why was the post not advertised? Had the Government done so, it might be that no suitable person already in Government service might have been available, but there might have been private individuals in our own province well-trained in foreign countries and sufficiently expert in fishery, equal, if not superior to, the one indented from Madras.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Government was advised that in Madras the Fishery Department had been very successful under the guidance of this expert, and so this Government thought that fishery here might be very well benefited by this expert, when his work at Madras had been a complete success.

Khan Bahadur ATAUR RAHMAN: That may be, but that is not my point. My point is why the post was not widely advertised, giving a chance to many experts who might be in Bengal equal in qualifications and ability to this expert instead of, or before, bringing a man from Madras on three times the pay given to him by the Madras Government?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Government did not think it advisable to advertise the post when they knew that they could get the best advice from Madras.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the scale of pay of this expert? Only his present salary has been mentioned.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: This is a purely temporary post, and this is the first time after fifteen years that the Bengal Fishery Department has again been brought into being, and hence the appointment of this expert. There is no grade fixed for this post at present. Of course, if the Fishery Department is permanently established, then the question of fixing a grade will come in.

Mr. HUMAYUN KABIR: When was the appointment made?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot give the exact date as I have not got it all in my head. So I want notice to answer this question.

Mr. RANAJIT PAL CHOUDHURY: Has the present incumbent any academic qualifications in Fishery?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: We have been informed by the Madras Government that he is an expert on Fishery and we have taken it that he is so.

Mr. SHRISH CHANDRA CHAKRAVERTI: With reference to his answer where it is stated that Government were advised, will he be pleased to state by whom Government were advised?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not prepared to state whose advice Government took.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state as to whether *Hilsa* fish is available in Madras?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware if *Hilsa* fish is available there.

Mr. NARESH NATH MOOKERJEE: Is the Hon'ble Minister aware that the people of Madras do not take any fish and is it not unlikely that experts on fish culture should grow in Madras and not in Bengal where we all take fish?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I regret I would advise my hon'ble friend to go to Madras as a member of the Council there to show such collosal ignorance on their part!

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I should like to know from the Hon'ble Minister as to whether the salary which is given to this particular expert is a fixed salary attached to the post or whether it was determined by special negotiation on the ground of his experience and merits?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: By special negotiation.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state the name of the expert?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Mr. Naidu.

Crops in different parts of Murshidabad district.

56. Khan Bahadur ATAUR RAHMAN: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that the soil and crop produced in two parts of Murshidabad district known as Rarh and Bagri are quite different from each other and they are separated by the river Bhagirathi?

(*b*) Is the Hon'ble Minister aware that *aman* paddy is the main crop of the Rarh area and *aus* paddy, jute and some *rabi* crops are the chief crops of Bagri area?

(*c*) Is it a fact that the soil of the Agricultural Farm at Berhampore is not suitable to grow *aman* paddy which is grown in Rarh?

(*d*) Will the Hon'ble Minister kindly state if any experiment on *aman* crop of Rarh variety is being carried on in the said farm?

(*e*) What benefit the *raiyats* of Rarh area will get from this farm so far as their principal crop is concerned?

(*f*) What steps are being taken to disseminate the result of experiments of such a crop in the Rarh area?

(*g*) Has any field staff visited any area to introduce the improved paddy in Kandi subdivision within a year or so?

(*h*) If so, will the Hon'ble Minister kindly name the villages where such improved paddy cultivation has been demonstrated by the officers of the said farm to the cultivators?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) and (*b*) Yes.

(*c*) Yes. There is no land on the farm suitable for any kind of *aman* paddy. Hence no experiment on this species of paddy is conducted on the farm.

(*d*) No, but experiments are being carried out at Chinsura, Suri and Burdwan Farms on the *aman* paddies suitable for Western Bengal conditions and the Rarh varieties are included in the experiments at these places.

(*e*) The *raiyats* of Rarh are deriving benefit from the farms mentioned above, if not from the Berhampore Farm, in getting improved strains of *aman* paddy suitable to their lands and situations, with the help of the Superintendent of the farm, who is also the District Agricultural Officer for the district.

(*f*) The results of the experiment are being disseminated through actual demonstration by growing the improved strains of paddy on Union Board farms and also by distributing departmental leaflets on the improved paddies.

(*g*) Yes, in connection with the demonstration scheme of the department through Union Board farms.

(*h*) Gokarna, Malihati, Powa, Simulia, Shapur, Purandharpur, Mokural, Mahalandi, etc.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state in what Union Board of the subdivision of Kandi or in the district of Murshidabad there is a farm?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

His Excellency the Governor's assent to the Bengal Tenancy (Amendment) Bill, 1938.

Mr. PRESIDENT: Order, order: I have now to inform the hon'ble members that the Bengal Tenancy (Amendment) Bill, 1938, which was passed by both the Chambers of the Legislature has been assented to by His Excellency the Governor of Bengal on the 16th August, 1938.

Report of the Rules Committee.

Mr. HAMIDUL HUQ CHOWDHURY: I beg leave of the House to present the report of the Rules Committee which finished its work on the 5th of August, 1938.

An explanation is necessary regarding the delay in presenting the report. We drafted our own report as early as November, 1937.

Mr. PRESIDENT: Order, order. No explanation is necessary. The House extended the period for the submission of the report till the 17th August, 1938. The report has been presented within the time prescribed.

The Council will now proceed to the discussion of the Supplementary Estimates of Expenditure.

Supplementary Budget Discussions.

Mr. HUMAYUN KABIR: Sir, I feel that there is a certain amount of unreality in our proceedings this afternoon. We are discussing a Budget which has already been voted and can now conduct only a sort of post-mortem examination upon what another House has done; but nevertheless I wish to offer a few remarks in connection with some of the principles involved in some of the items of expenditure brought before us to-day.

I propose to start with the question of the demand for a lakh of rupees under the head, "Publicity under General Administration". A lot of discussion has taken place on this question in another place. About the personnel I do not propose to offer any remarks. I would only draw the attention of the House and the Hon'ble Minister concerned to the startling statement made by the Hon'ble Chief Minister in another place that the officer in question was to his knowledge one who had acted against him in a political capacity during the last election. Now it is news for me to learn that an officer of the Government is permitted, in fact encouraged to take active part in that manner in political activities and particularly in activities of party politics. I leave it to the Hon'ble Minister concerned to decide whether that is a qualification or otherwise for appointing a person to be the Director of Public Information. Well, Sir, as I have said, with that aspect of the question I am not concerned. The Hon'ble Minister wanted the Director of Public Information to be a person whom he will be able to utilise in the best possible manner to give publicity to the Minister's work, and if the Hon'ble Chief Minister is satisfied with the person he has appointed, if he is convinced from his own past experiences that the officer in question is suited for the post, nobody else need have any objection to that.

Certain considerations of principle are, however, involved and that takes me back to the remark which I made a moment ago. It was on the admission of the Hon'ble Chief Minister himself that a Government servant who had taken part in party politics, has been appointed to-day as the Director of Public Information. In the past he had done so surreptitously but, now it will be his clear duty to take part in party politics and that openly. I would put it to the House to consider whether a Government servant should be put in the dangerous position which is inherent in a situation like this. A Government servant ought to be outside party politics. He should do his own executive work or any other work that may be entrusted to him. Therefore, it is a question of principle which the Hon'ble Minister must himself consider seriously. Should he allow a Government servant to become embroiled in any sort of work which requires the development of any party point of view on a particular question? Sometimes, it is said that we have always had a permanent member of the Executive Service as Private Secretary to His Excellency the Governor. I think the analogy is completely wrong, because a Governor is by principle above politics; he does not usually take any part in the actual day to day administration and should be quite outside the conflicts of any party politics. Therefore, a person who serves as Private Secretary to the Governor has nothing to do with the party politics in the Legislature. The case with the Cabinet is different. To-day, after the introduction of Provincial Autonomy, Government is bound to run on party lines. Any officer who

is placed in the unfortunate position of having to support one party, must remember what will be the consequences when there is a change of Government. Changes in parties are bound to occur from time to time; no Government will continue for ever. Therefore if permanent Government servants are brought into the turmoil of party politics, I think it is a risk to their future security which no Government can or should demand from them.

Again it has been said in another place that there are certain Governments which have started publicity departments. Nobody has objected to the principle of a publicity department. A popular Ministry should certainly have a publicity department. But the question is whether it should be a part of the political alignment of parties or it should be a part of the administrative machinery of the province. The Chief Publicity Officers who have been appointed in other provinces are not Government servants: It is the case in the United Provinces. There the Director of Public Information is not a servant of Government; he has been brought from outside on account of his avowed and open sympathy with the principles and the point of view of the present Government of the United Provinces. I take it, that after the tenure of his office he can go back to his own job. He is not a Government servant. Similarly, in Madras there is a publicity department and there is a Minister for Publicity. If the present Ministry had brought forward a proposal that the portfolio of Publicity should be given to one of the Ministers, nobody would have taken any objection to it. To ask one of the officers of Government to identify himself in this way with one party or another that may be in power, is to interfere with the general administration of the province; and if there is a change of Government, what will be the position of that officer? If he is good at his job and if he does the publicity work in the way in which it ought to be done—there is also the consideration that when there is a party Government there is bound to be party patronage—what would be his position if there is a change of Government? This applies, also in principle to the post of the Private Secretary to the Chief Minister. As I have said before, the Private Secretary to His Excellency stands on a different footing. But the Private Secretary to the Chief Minister is also a person who must, if he is any good at all, take a certain part in the actual party warfare in respect of the administration of the province and identify himself with one party at the cost of another. It may have a certain bearing on his future which I leave it for this House to judge. This is one aspect of the question about the publicity department which I think has not been brought out before, but which must be brought up by any Government that is conscious of its duties and aware of the rival Government which may come into power at any time.

Then there is the grant of Rs. 5 lakhs for schedule caste education. With regard to that, I would only say what I said on another

occasion in this House. It is to the interest of everyone in this province that there should be as much education as possible for those who are relatively backward to-day. Therefore the grant of this sum for schedule caste education is welcome provided the money is properly spent. Unfortunately up till now money for education has not been properly spent. If the money for schedule caste education goes merely to the appointment of special officers, goes merely for the creation of special inspectors of schedule caste education, I think the purpose of the grant will be grossly defeated. There should be provision for free studentship in different schools and colleges; there should be facilities for boardings and hostels; there should be schools where there are none at present. These are the ways in which Government can do any good to schedule caste education.

Finally, there is the question of the Purdah college. In view of the demand for such an institution from a large section of the Muslim community, I think the demand ought to be met. There may be difference of opinion as to whether *purdah* is good or bad, but we are not concerned with this matter of social consideration here. If there is a demand for a Purdah college, I think it is necessary that the demand should be met. It may be that by meeting that demand we shall be carrying through the process of social reform for girls more than in any other way. I would make only one more remark about this Purdah college, which, we are told will be open only to Muslim girls. I think it is a mistaken policy. Certainly it should be open to Muslim girls, but at the same time I think there should be facilities for the girls of other communities as well to come into this Purdah college. I think it will be to the good of the Muslim girls as well as girls of other communities that they should associate with one another, come in contact with one another, and form friendships with one another. This will enable them to form some idea of their respective cultures, to respect one another. These contacts may help them to overcome the longstanding bitterness, and the communal passions that creep into our lives from time to time. These are all things about which every genuine lover of the country is seriously concerned. Very often it is due not so much to positive hatred of one another as ignorance of one another's feelings. Communal passions thrive best on ignorance and prejudice. Cases where passions are deliberately provoked are rare, but cases where lack of understanding and sympathy cause bitterness occur every day. And the want of education among girls, the absence of contacts and friendships among women is a potent cause of communal discord. Provisions must be made to teach what offends the Muslim and what offends the Hindu and to bridge the differences that exist between them. Colleges and schools for girls who will be the future builders of homes, the future mothers of the nation, are essential for the purpose, but they must be institutions where girls of all communities meet. I think it

highly desirable that this college should not be for Muslim girls alone, and I think this from the point of view of the Mussalmans themselves. Let Muslim girls get an opportunity of meeting on equal terms and competing and co-operating on equal terms with girls of other communities. It will do them good and do the other communities also good. Then and then alone will cordial relations prevail between Hindus and Muslims and they will on an equal footing participate in all the problems affecting the province as a whole, and contribute to the future of a glorious Bengal.

Dr. RADHA KUMUD MOOKERJI: Sir, as a member of the Council I feel that the Council is constitutionally debarred from dealing with the budget, as it should. But to-day I find myself face to face with a serious constitutional violation of the principles on the basis of which Government have prepared these budgets. I take my stand on the explanatory memorandum occurring at page 3 of the Budget statement. On seeing it I find that this explanatory memorandum stands self-condemned, because it goes against section 81 of the Government of India Act of 1935. What were the Government doing when they had so much time at their disposal to prepare the primary budget, in which the grant for this Rural Reconstruction Scheme for example, might as well have been shown? It would not do for Government to wake up one fine morning and then through the back door of a supplementary budget, bring in matters which involve questions of the deepest political importance. One of these questions has been the subject of acrimonious controversy in another place. I do not think, Sir, that it is open to this Government to say that it has been decided to constitute a separate Publicity Department. Why? Did any state of emergency arise, which alone can justify inclusion of such matters in a supplementary budget? We all quite well understand the principles on which supplementary budgets have to be framed. These supplementary budgets have strictly to supplement the omissions which might have been caused by circumstances over which the Government may have had no control; such omitted items which are included in the supplementary budget must arise out of the items of the primary budget that they had prepared after deeply considering all matters and got the Assembly to pass duly at one and the same time. But it is not open to Government against the clearest injunction of section 81 of the Government of India Act, 1935, to introduce new subjects through the back door of a supplementary budget. That is my first objection.

My second objection refers to the matters of the item which concerns the question of a new department altogether. The Hon'ble Finance Minister has been always taking some legitimate credit for his not being able to include in the Budget any item in the absence of concrete schemes to show how the moneys that could be voted would be actually

spent, but he deserves no such credit here. I find here that we are called upon to vote supplies in the air. There is no scheme whatsoever. All the schemes that are apparent on the paper are schemes for making two or three appointments. I have no quarrel with the work of Publicity Department nor have I any quarrel with the personnel of the staff, nor with the cadre of the staff, but it is a very bad omen for Government not to take the public into confidence in instituting a Publicity Department. They have not even taken the Legislature into their confidence. They are not going to lay their cards on the table. They have something up their sleeves. I find that there is some accounting made for the sum that will be required for the officers only. But what about the major part of the sum of one lakh of rupees, deducting of course the salary of these officers? Are we to treat it as some kind of secret service money? Is that the Government idea? Why cannot they come before the Legislature with a full-fledged scheme? There is naturally the charge levelled against the Government that they want to utilise the bulk of this money as secret service money with which they intend to subsidise and demoralize a section of the public press of Bengal. Can the Government emphatically deny it? I want to put a categorical question, whether it is in the contemplation of Government to select certain newspapers, spoil them by their patronage, just as in one of the Elizabethan dramas "A woman was killed with kindness?" Do the Government want some newspapers to play into their hands and do they want to indulge in reckless action in a matter of such public importance? Is it their idea to patronise those newspapers that will be more amenable to their ideas and to their suggestions? I am not in the habit of putting questions in the air. This Government, like its predecessor in office, has no credentials on the basis of which we can trust it with this large sum of money, unless it is prepared to lay bare its entire scheme and show all its cards.

Now, this Government or its predecessor—because to my mind there is hardly any distinction between the two sets of Government, one has only succeeded the other, except that there is some constitutional alteration—has the same old spirit. This Government is carrying on the administration in the spirit of the old Government and the so-called new order is nothing but the child of the old.

Now some time back we were all alarmed at a circular issued by the Government, the wording of which is sufficient to damn the whole scheme. And, therefore, we want the light of publicity, the full glare of the light of publicity, to be thrown on the nefarious designs of the then Publicity Officer of the Government, who issued in the form of a circular stating, or rather he sent in an official report saying, that "through personal influence and a judicious control of official advertisements", this great worthy had succeeded in influencing one or two of the most important Nationalist newspapers! Now we are not

prepared to trust with so much of money a Government that succeeds to these credentials of the old Government. Publicity is very much required by the people, and why? Because the public have to be served. It is the business of the Government. If you go into the exact items of what business is to be done by the Publicity Department, the first important item of such business would be for the Government to issue corrections to misrepresentations of what the Government has not done or omitted to do. Now that should be the guiding principle of Government in utilising the Publicity Department. The Government can certainly issue press bulletins from time to time correcting the misunderstandings that are created due to wrong informations or wrong news.

In the United Provinces, Sir, we find the Director of Public Information there almost daily issues press notices to correct the misunderstandings created in the public mind by the premature leakage of news or publication of incorrect news. Certainly, that is a very important item of publicity work which every Government is entitled to perform.

My point in giving these illustrations to you is this—that there should not be any hide-and-seek policy in the matter. Why should there be such a thing? Why should you not lay bare the scheme? Please take us into your confidence and say definitely how you are proceeding with the work.

Now, the next item of publicity work should be to inform the public as to how various social measures are being undertaken and promoted. Government has a duty to inform and enlighten the public on what has been done as well as on the various welfare schemes they are embarking upon. This kind of publicity would have a very great educative value; it would be an integral part of mass education. Some time back the Government of the United Provinces used to issue their own weekly bulletins to advertise the doings of Government. I think most of the questions that are put in this Council would lose their utility if these bulletins were properly edited and issued at the right time. But if, under cover of all this publicity work, you hide the main part of your scheme, and on the top of that when I find that your record has been so black in the past, that you are at times showing a tendency to out-do your predecessors—the preceding irresponsible Government—in this respect, if you are not responsible to the public at large, if you are thinking only of the party which keeps you in power, certainly the Government has no claim to the support of any right-thinking person in the Legislature. Therefore, I put this question categorically. Please let us know definitely and plainly whether you are going to spend any part of this money on that kind of nefarious subterranean propaganda whereby you are going to bolster up your party strength and whether you are going to give to your party what

is meant for the whole province. Are you going to do that? If not, where is your scheme? What are the details of your scheme? Why has the Hon'ble Finance Minister included this item in the absence of any scheme, while he is very, very strict about many other demands for funds on account of want of schemes? Sometimes my party is twitted for want of schemes and programmes, although there are so many in the air. But I want to get an answer from the same Minister in regard to the inclusion of this item in the Supplementary Estimate for Expenditure. Where are your answers? You are hatching a plan in secret: you are hatching a conspiracy in secret. Now the ways of secret diplomacy are over all the world over, and I think that the Bengal Government should not have recourse to any kind of dark methods, in dealing with such an important matter as publicity. What I find is that it is really putting the cart before the horse. Unless you bring forward a scheme, we cannot judge the same fairly and squarely. Therefore, I say that you cannot expect the Legislature to pronounce their final verdict on something which is still in the air, something which has not been given any concrete shape in a perfectly feasible scheme. So, I want the Government to satisfy the public who are very much agitated by the debates in another place. It is desirable that the public mind should be absolutely cleared and put above suspicion about the designs of Government.

Once more, I should like to draw the attention of Government to the passage to which I have already referred—I mean the statement made by their own Publicity Officer. Now, is that the line which will be followed by the present Government? If not, I must have a clear denial, by facts and figures, as regards this kind of work—the work which is reported to have been done by their own Press Officer.

I think, Sir, that in this connexion I must raise a question about the doings of this distinguished worthy, who issued a notice banning the Anti-Detenu Day celebration. I want to ask the Government whether they are going to indulge in these childish pranks once again, or whether they intend to serve the real interests of the public and not look to the immediate ends of their party politics.

Now, therefore, Sir, my first objection is on the ground of constitutional principle as embodied in section 81 of the Government of India Act, 1935, to which I want a clear and unequivocal reply. I believe it is not within my competence to raise these constitutional objections at this stage, because we are the members of a House that is not authorized to deal with the Budget in that way; we have only to take things as they come before us. But I feel as a student of Constitutional History and Politics, that a preliminary objection should be raised by me and this objection may kindly be answered by Government.

But my second objection is that this publicity scheme is entirely kept in the dark because the Government are not taking the public into confidence even though publicity work is undertaken for the benefit of the public themselves. My second objection is that this publicity scheme is entirely kept in the dark and is, therefore, a contradiction in terms. They are not taking the public into confidence, as regards the scheme of publicity to be undertaken for the benefit of the public themselves.

Now I come to another item about the Purdah college. Well, I do not like to figure as an ultra modernist in this matter, but I believe that our Muhammadan brethren are coming up and I do not think that their best minds will really tolerate this kind of medieval arrangement whereby their ladies will not merely be segregated from other communities, but they will also be segregated for the purpose of their own education. It is forgotten that the main principle of education implies the friction of minds and the friction of minds with different outlooks, different cultural angles of vision, so that on higher ground of academic principles I have my objection to the very conception of a scheme like the segregation of girls in a separate place.

Now my principle objection is this: even if there is a real demand for this kind of education for girls—I would not stand in the way—I find that the Government are again scheming in the air. I shall be very glad to hear if there are details to support this demand for Rs. 5 lakhs and more. I suppose the Hon'ble Finance Minister is yielding to the pressure of other departments. He must first ask for a scheme before he can unloose the purse strings of the public exchequer. Here also we do not find that there is any scheme which shows how and when this vast sum of Rs. 5 lakhs will be spent.

Then again this re-appropriation once again testifies to the great ability and efficiency of this Government who are so very progressive that they are unable to spend the money! Even the money appropriated for themselves have not been spent by their own departments. Similar is the case with the Road Fund. I find the money voted in advance. At the end of the year money is found lying, here and there, and then surreptitiously taken hold of by the Ministry to be misappropriated for undreamt of schemes. Now is that the way in which an enlightened Government should proceed?

I think the Finance Minister is again allowing the different departments to put the cart before the horse in every case. Remember the principle that it would be very unjust to the Legislature if you come to them with your airy nothings. We want substantial schemes; we want to walk on solid ground when we have to deal with the proceeds of public taxation. We are not going to recognise your dreams and your ideas and your dark plans and conspiracies in order to bolster up parties and politics. Please be above board. Take the Legislature

into your fullest confidence; and give the denial to all the charges and insinuations they have laid before you, because they are now in the public press.

The Hon'ble Mr. NALINI RANJAN SARKER: What are those insinuations?

Dr. RADHA KUMUD MOOKERJI: The insinuation is that, on the lines of the beautiful report of your own Press Officer you are embarking upon another criminal career of using your purse and influence for a judicial control of official advertisements in order that you may succeed in influencing one or two of the most important nationalist papers. You stand self-condemned by the action of your own agent and the principal must take the responsibility for the action of his agent. I want to know categorically whether you are also going to proceed on the line on which you have allowed your own Publicity Officer to proceed. Even the other day under your Government, under your control, this dignitary of the Secretariat did ban the Anti-Detenu Day celebration.

Now as regards the Scheduled Caste education, every cloud has its silver lining and I must freely acknowledge that it is a very generous concession to a very urgent and longfelt demand, but again there is a want of scheme. You are simply putting on a piece of paper, five lakhs, ten lakhs, six lakhs, as you please. I do not know whether this education also will mean segregation or whether there will be public schools abolishing all kinds of distinction as in Government schools. Pray do not promote secret societies anywhere under the cover of publicity. Take the Legislature into your confidence; give us satisfactory replies. But my preliminary objection holds and I hope that the Hon'ble President will not consider that it is *ultra vires*. I find that the same tale reveals itself as regards other items. There are no schemes anywhere on the basis of which we can pronounce our reasoned verdict as accountants; and we know that the Finance Minister is a trained accountant.

Rai KESHAB CHANDRA BANERJEE Bahadur: It is not understood whether Dr. Mookerji has risen on a point of order with regard to a particular section of the Government of India Act, 1935. In that case if the ruling is in his favour, the discussion on the Budget will be closed.

Mr. PRESIDENT: He has not raised any point of order.

Dr. RADHA KUMUD MOOKERJI: With your permission, Sir, I may say that I thought that this Council would be precluded from

raising any point of order regarding this Budget. I took that form only because you might have your unfettered discretion in the matter. If it is necessary for me to move it formally, I would certainly say that I take objection on a point of order that the Council cannot consider the supplementary estimates, because it contravenes the clearest provision of section 81 of the Government of India Act of 1935.

Mr. PRESIDENT: The Supplementary Budget is not before the House. Under the present constitution, the Council cannot pass a budget. This House can only discuss budget estimates, whether supplementary or annual. I quite realise the point raised by the hon'ble Leader of the Opposition that the Supplementary Budget should have been drawn up in the form of supplementary demands but I think, so far as this House is concerned, the question does not arise as it cannot vote upon demands.

Rai KESHAB CHANDRA BANERJEE Bahadur: With regard to the ruling you have just given, I should like to be enlightened on one point. I should like to know the difference between a budget and a budget estimate.

Mr. PRESIDENT: This House only can discuss the budget estimate but the budget demands are submitted to the other House in the form of demand for grants and voted upon by that House. Throughout the world in all Parliamentary institutions it is the Lower House that alone votes on the budget demands and not the Upper House.

Dr. RADHA KUMUD MOOKERJI: If I may be allowed to explain, I should say that the difference is this. If the Upper House commit itself to any kind of illegality for violating the constitution because of the errors committed in another place——.

Mr. HAMIDUL HUQ CHOWDHURY: If it does not fulfil the conditions of supplementary budget discussion——.

Mr. PRESIDENT: The hon'ble member may very well criticise on that point.

Dr. RADHA KUMUD MOOKERJI: I want to record my objection on the ground that the Supplementary Budget Estimate has been presented to us in contravention of section 81 of the Government of India Act.

Now I will conclude my remarks by a reference to one more item—Grant No. 23.

I find that as a part of the explanatory memorandum, this astounding statement occurs: "with a view to inducing the public to co-operate in an active manner to tackle the water-hyacinth pest, it has been decided to organise a "Water-Hyacinth Week" during the coming winter." I am glad to find that the Ministers are taking over the Congress methods, and are going to have a "Water-Hyacinth Week." I hope they will deal with more living materials than water-hyacinth. During the coming winter a vast sum is required for expenditure on an uncertain organisation. I want to ask the Government in all seriousness whether a sum of Rs. 50,000 is held so cheap by them, that they can without any scheme ask us to take a plunge in the dark and then share the same fate that awaits them. I find that the Supplementary Budget is absolutely vitiated and disfigured by a nefarious tendency to keep the Legislature in the dark about their work. They are not at all considerate towards the Legislature. They are hiding all their schemes which they are concocting in secret in the Secretariat and then they come to the Legislature with their airy nothings. I think this Council cannot do more than recording its most emphatic objection on the ground that I have put forward. I do hope that all my colleagues here will fall in with me in demanding that more light should be thrown on this kind of publicity work and this kind of measure for social amelioration which must not any longer remain as mere dreams devoid of realities.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I wish to make only one or two observations on the speeches made. Mr. Humayun Kabir has said in connection with the appointment of a Publicity Officer that that officer would be placed in an invidious position, because he would be compelled to follow the politics and the policy of the Government and that when the Government is changed his position would be untenable with his new masters. I submit that really the position is entirely different. The question of a policy and politics of a Government servant was discussed by Sir John Anderson——

Mr. LALIT CHANDRA DAS: On a point of order, Sir. My point is that whether a member belonging to the Government party is entitled to criticise and discuss the budget?

Mr. PRESIDENT: The Budget is not before the House. It is the discussion on the estimate.

Khan Bahadur NAZIRUDDIN AHMAD: Sir John Anderson delivered an illuminating address at the Rotary Club, Calcutta, on the policy and politics of a Government servant. He made it clear that a Government servant should have no politics but he may and should

have a policy.. He clearly defined the scope and purpose of a Government servants' policy. The policy of a Government servant, he said, will be derived from the policy of the Ministers. A Government servant would be not only free to work this policy but it would be his duty to give effect to that policy. This is from the mouth of a very competent authority on the subject. Whenever there is a Ministry in power they would have a policy and that policy would be explained to their officers and they will follow that policy. When that Ministry goes, another comes in. The new Ministry will then initiate a new policy and dictate it to their officers who will then follow that policy. The officers therefore will not be put to any invidious position at all. The very nature of the work of a Publicity Officer would imply that he would have to deal with the policy of the Government and with publicity. If Publicity Officers can be tolerated in other provinces, I fail to see why we could not tolerate them in Bengal. We know that in Bihar and the Central Provinces, Publicity Officers not only publish news and criticisms on behalf of the Government but also do much propaganda work which is worse than dealing with mere publicity.

With regard to the point raised by my friend the Leader of the Opposition that section 81 of the Government of India Act, 1935, vitiates the whole Revised Estimate, I want to say this.

A member: The point of order has been decided already.

Khan Bahadur NAZIRUDDIN AHMAD: I am not dealing with the point of order. I am merely discussing the subject. I beg to submit that section 81, instead of establishing that point——

Mr. HUMAYUN KABIR: You have ruled that that is not a point of order.

Mr. PRESIDENT: I shall not allow any point of order to be raised but discussion may be continued on the issue raised.

Khan Bahadur NAZIRUDDIN AHMAD: I am grateful to you, Sir, I have already made it absolutely clear that I was not dealing with a point of order at all. My point is this. The learned Leader of the Opposition seemed to think that section 81 of the Government of India Act, 1935, completely vitiated the Revised Estimate. His argument was that a Revised Estimate could be utilized only for supplementing the items in the original Budget and that no new items could be introduced in a Supplementary Estimate. That is the gist of his argument, and he has relied solely on section 81 of the Government of India Act. I have before me a copy of the Act. Section 81 of the Act says: "If in respect of any financial year *further expenditure* from the revenues of the province becomes necessary",

and so forth. The section allows any further expenditure to be provided for. It provides for no limitation on the choice of subjects. I do not find any justification for the view of my hon'ble friend that it is for supplementing shortages in existing heads that a Supplementary Estimate can be initiated and not for any further new expenditure. The section is absolutely clear, and the section clearly allows the introduction of new items.

One other point dealt with by the learned Leader of the Opposition is this, that with regard to the appointment of a Publicity Officer and and the provision of suitable grant therefor the public or rather the Legislature has not been taken into confidence by the Government. I submit in reply that the Legislature, I mean the Assembly, which is really competent to deal with these matters, has been taken into the confidence of the Government and apprised of its intentions as, otherwise, that House would not have passed this grant at all. On all these considerations, Sir, I submit that the objections of my hon'ble friends have no force.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, in this matter of the discussion of the Supplementary Budget I think that Government has unwittingly inflicted a slur on this House in not always allowing the discussion to precede the demands for grant. In future, we hope, the Government will arrange that discussion may take place before grants are actually made in the Assembly.

Now, Sir, with respect to the Publicity Officer, is it a fact that this Publicity Officer has not been appointed by the Public Service Commission? I understand that the one explanation that was given in the Assembly was to the effect that one of the members of the Public Service Commission was away in England when the appointment was made. Is that the reason why the Publicity Officer should have been appointed by any other authority than the Public Service Commission even if the appointment be temporary? Is it not a fact that this Publicity Officer is a member of the Muslim League?

Sir, with respect to this money, which is being objected to very seriously by all sections of the opposition parties. I suggest that it would be better if the money be not spent at all. Sir, there are papers, the *Star of India* and other so-called nationalist papers, which support the Government in season and out of season and whom the Government want to patronize. Those papers defend the misdeeds of Government appearing in other newspapers. Government themselves also do so by issuing their own communiqués. It is admitted that whenever any Government communiqué is issued, it is published in those papers, and published prominently. So, Sir, I think this grant for publicity is not necessary. It is a grant for the benefit of the party to which the Government belongs.

In this case the party to which the Government belongs and owes its allegiance is the Muslim League, and therefore, Sir, this grant is a grant to the Muslim League; and so it follows that this grant places a premium on communalism. Sir, so far as this grant is concerned, this money is surely liable to be misused for subsidising papers which are at present really penurious. So, considering from that point of view as also from other points, this Publicity Officer should not be allowed to go on with his duties even for a single moment, publishing matters according to his own ideas, to the detriment of the interests of the opposing, right-thinking parties.

Sir, I would next refer to another matter. Item No. 23 relates to agriculture, where a sum of Rs. 50,000 has been allotted. Without probing deep into the matter and pointing out the defects, all I can suggest now in this connexion is that no money be mis-spent on shows and amusements in connexion with fairs and exhibitions. Even if the amount be rightly used, the whole amount is too small for the purpose of organizing parties for the destruction of the water-hyacinth pest. If this work of destruction is carried out, then surely it may be said that a really good work has been done for the whole of Bengal.

Then, Sir, I would refer to grant No. 29 which relates to the building for a college for Muslim girls. We were distinctly given to understand, Sir, in the last Budget Session that, so far as this College is concerned, it would be called a Purdah College, and not a Muslim Girls' College. But in these Supplementary Estimates, in the explanatory memorandum, it has been distinctly stated that the grant is for the building of a Muslim Girls' College. Now, as regards the Purdah College it was stated by Government that girls of other communities also would be admitted for the purpose of studying there. For Government to go back on their previous statements and to say that the College is going to be started exclusively for Muslim girls in a site where other Moslem institutions also will be located is, I think, a move for excluding others. Further the very name of the College is also a sort of notice warning the girls of other communities against their admission there. It thus means that Government's intention is to segregate Muslim girls from girls of other communities. This, Sir, is another step in the furtherance of communalism. I submit, Sir, the money meant for purchasing or acquiring land for this purpose should not be spent in that way, for as a matter of fact there are already lands belonging to Govenrment which may very well be used for this purpose. Sir, I protest against the new nomenclature.

Lastly, I would refer to the demand of Rs. 30 lakhs and odd proposed to be advanced to cultivators. To my mind, Sir, this allotment is quite insufficient to meet the needs of the people in these days of heavy and distressing floods, which are playing hell with the people of Northern and Eastern Bengal in particular. But, Sir, from the Budget statement

it cannot be understood whether any gratuitous relief has been provided for. What is really needed at the moment is gratuitous relief, and I guess that it will also be required time and again, for which a large sum of money will be required, provision for which should have been made now. The lame and stereotyped excuse of Government that the local officers are not demanding more money from Government will not hold good any longer. They may not do so for they have the bureaucratic mentality still permeating them. But it is the duty of the Government of the day, which is supposed to be democratic, to see that sufficient funds are provided for the purpose. In short, what I want to know is whether in this demand any allocation has been made for giving gratuitous relief to the poor. On the face of the explanatory memorandum it is not clear. What I would ask of Government is whether they would set apart a portion of this money for that purpose.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I have a few observations to make in connection with the Supplementary Estimate of Expenditure placed before this House.

Except perhaps the grant for Publicity there is no other item which can be adversely criticised even by the Opposition. But, Sir, we in this House regret very much and are at a loss to understand why the demand for supplementary grant under the head "Rural Reconstruction Scheme" was not pressed to vote in the Assembly. Sir, rural reconstruction is the crying need of the country and not to finance the scheme of rural reconstruction even at this late stage on the simple ground that the scheme has not yet been passed by the Cabinet, is nothing short of flouting public opinion.

Sir, comparison is odious, but yet we have to make it at times for spurring Government to action. Sir, there are other provincial Governments which published their schemes of rural reconstruction nearly a year ago and they have started a regular and systematic campaign, but here, Sir, even six months after the appointment of the Director of Rural Reconstruction we could not get the Rural Reconstruction Scheme passed by the Cabinet, and even the demand for the modest sum of one lakh of rupees for giving a start to the scheme, after it was sanctioned by the Cabinet, had to be withdrawn eventually.

Sir, rural Bengal is real Bengal as 90 per cent. of the population live in the rural areas, and Government should not be so apathetic and callous to the needs and requirements of rural Bengal. Finance or no finance, we want village reconstruction to be organized and set in motion from the next cold weather, and the Ministry should take note of this that this is the considered opinion of this House——

Mr. PRESIDENT: Order, order. Will you please resume your seat, Khan Bahadur? The scope of discussion on a Supplementary Estimate

is very much limited; it is not like the annual budget discussions. You are not to roam over the whole field of the budget, but must confine yourself to the specific items referred to in the Supplementary Estimate. I would like the hon'ble member to show me the item of Rural Reconstruction in the Estimate under discussion.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the item is here——

The Hon'ble Mr. NALINI RANJAN SARKER: No, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We find an allotment of Rs. 1 lakh for Rural Reconstruction, but it may be that it was not put to vote in the Assembly.

The Hon'ble Mr. NALINI RANJAN SARKER: It was not at all placed before the Assembly. I have withdrawn it from the Budget.

Mr. PRESIDENT: That item has been withdrawn now.

The Hon'ble Mr. NALINI RANJAN SARKER: The hon'ble member's argument is that we have withdrawn it, and he is criticising our act of withdrawal.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Had you told us before, then I would not have mentioned it. In any case, are we not entitled to ask for the reasons for its withdrawal?

Mr. PRESIDENT: We are only to discuss those matters which are before the House and not those that have already been withdrawn.

Mr. HUMAYUN KABIR: On a point of order, Sir. If a statement of expenditure is presented before this House and if we are asked to consider this statement and if some item is withdrawn from it during the course of discussions in the other House, can we not take cognizance of the matter and discuss it here inasmuch as we are not supposed to know what happens in the other House?

Mr. PRESIDENT: Certainly. This House does not yet know formally that this item has been withdrawn by Government in the other House. (Cries of "hear, hear" from Congress members.)

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, there is——

Dr. RADHA KUMUD MOOKERJI: On a point of order, Sir. If the particular provision that is now being discussed by the House, and to whose discussion objection has been taken, has actually been withdrawn in the other House, then I submit that we can discuss it from another point of view and we can proceed on a new basis——

Mr. PRESIDENT: Order, order. The Chair expects the Hon'ble Finance Minister to tell this House whether this item was withdrawn by Government in the other House.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, the item of Rural Reconstruction was withdrawn in the other House.

Mr. PRESIDENT: Anything else?

The Hon'ble Mr. NALINI RANJAN SARKER: Nothing else was withdrawn, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As I was saying, Sir, the Ministry should take note of this fact—I mean the sense of grievance felt by members of this House, which they cannot and ought not to ignore. We in this House, Sir, do not appreciate random work.

Then, Sir, a sum of Rs. 50,000 is proposed to be allotted under the head "Agriculture" for combating the water-hyacinth pest. This certainly, Sir, is a move in the right direction, and all that I want is that the money should be properly spent after calling for reports from all the affected areas and after carefully considering the needs and requirements of each area. We should take the time by the fore-lock and arrange for vigorous and systematic work for a week in January or February next, at the latest. Sir, if this sum is properly utilized, I am sure it will save crops to the value of several crores of rupees. Government are to be congratulated for taking up this matter and for providing funds for this purpose. In passing I have to note here, Sir, that the Water-Hyacinth Act will require drastic amendment if it is to be of any practical use.

Sir, I would now comment on the demand of Rs. 30 lakhs for Loans and Advances. Sir, I know the Ministry will be congratulated by most of the members of the Legislature for making this liberal provision for the relief of flood-stricken people, but, Sir, I have to raise a note of warning. The whole of this is proposed to be given as loans, to be

refunded again with six and one-fourth per cent. interest. There is no indication at all what amount, if any, will be given as gratuitous relief. Knowing as I do of the economic condition of rural Bengal—the average annual income of eighty per cent. of the population being only Rs. 20 per annum per head, of which nearly half would go as interest alone of the debts already incurred—I am very apprehensive when the question of giving them further loan on interest arises, as I feel that they cannot pay back the loan without starving themselves even in years of good crops. I am one with my friend Mr. Lalit Chandra Das that it goes without saying that no portion of this grant will be given as gratuitous relief, and, therefore, I would urge upon the Ministry to set apart a goodly portion of this amount for gratuitous relief. It is no doubt true that the poor people of the rural areas will have to be saved any how from the effect of the floods, but in doing so we should see that instead of giving real relief we may not be only putting off their starvation and death by a year or so only. Government must take note of the economic condition of rural Bengal and the repaying capacity of the rural population. I know that for obvious reasons gratuitous relief can be given only to a limited extent, but I would ask Government to take note of it that loans granted liberally for tiding over immediate difficulties may not be realised with heartless cruelty and that Government should make enquires in the cold weather to find out which loans cannot be repaid by the debtors without starvation, so that the Government may write off those loans. The Hon'ble Finance Minister should, I think, be prepared to write off a very big amount of this loan, as the economic condition of the people will not permit them to pay back their loans when they become due for realisation. Sir, nothing would have pleased me more than to find a sum of Rs. 3,000 allotted to every thana for loans to agriculturists. But I am sorry nothing to that effect has been done, but still I congratulate the Ministry certainly for making a liberal grant of loans for meeting the flood situation.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, as on the last occasion, the Budget Estimates presented by the Hon'ble Finance Minister is very lucid and clear and can be easily understood with the help of the explanatory note under each head. This estimate differs in material aspects from the budget to which we were accustomed in the old Council. Sir, I had no desire to participate in the discussion on the Supplementary Estimate which has been presented before the House but as most of the speakers have dealt with the political aspect of the Budget, I propose only to refer briefly to its economic implications. In discussing the Budget provisions, I should like in the first instance to advert to the allotment of Rs. 5 lakhs for the spread of education among the scheduled castes. In my opinion, the amount of Rs. 5 lakhs is too inadequate considering the backwardness of that

community. I am, however, glad that the Government have taken practical steps in this direction and hope the amount will be renewed year after year.

I think the provision of Rs. 50,000 to tackle the problem of water-hyacinth is an absolute waste of public money. I have studied the question very thoroughly for several years and in the old Council I tried my best to introduce a Bill to deal effectively with the pest of water-hyacinth but unfortunately sanction was refused to its introduction. Ultimately about three years ago Government brought forward a Bill of a much limited scope and passed it with the help of the majority. We, on this side of the House protested against it as being wholly unworkable. Sir, we find that a sum of Rs. 50,000 has been provided to meet the cost of organising a "Water-Hyacinth Week" during the coming winter. As I pointed out on several occasions before, water-hyacinth is a pest which cannot be left only to local effort. I do not know what action the Government of Bengal have taken to prevent its flow into the rivers and smaller channels of Bengal from the neighbouring provinces. It is a question which requires concerted action and the collaboration of all different provincial Governments. Mere organisation of a "Water Hyacinth Week", I am afraid, will be of no avail. Last year, if I remember aright sporadic attempts were made in certain selected areas to eradicate this evil and certain Union Boards were made to deal with the pest by the process of man-handling. I am afraid such desultory work results in sheer waste of time and energy. It brings no permanent benefit to the people. Nothing tangible is possible under the existing circumstances. What happens is this: as soon as a particular area is taken up in a certain locality, a number of people are engaged to clear the water-hyacinth and deposit the same on the banks of the tank or the river as the case may be with the result that the roots which are not destroyed, sprout again with the advent of the rainy season. I should like to be enlightened by the Hon'ble Finance Minister or the Minister in charge of the Department of Agriculture as to whether the neighbouring provincial Governments such as Assam, Bihar and Orissa have been moved to co-operate with the local Government in destroying the pest.

I would now refer to the Budget provision of Rs. 50,000 to meet the balance of cost of the proposed Purdah college for girls. Sir, I wish to make it perfectly clear that I yield to none in my desire for the uplift of the backward classes but at the same time we should be careful to spend public money on objects of doubtful utility. For instance, we find that the original intention of Government was to build the college on Government land for which no expenses were required, but now it appears that Rs. 5½ lakhs will have to be paid to the Calcutta Improvement Trust as cost of acquisition of land. I

submit, Sir, that Rs. 5½ lakhs is a collossal figure and if we can avoid spending it, we should do it by all means. If the Government land on which the building was originally proposed to be constructed is not found adequate for the purpose, I think an additional piece of vacant land may be provided by Government without having the necessity of acquiring any land belonging to the Calcutta Improvement Trust. That is my submission and I hope that Government will take the matter into their serious consideration.

Mr. KANAI LAL GOSWAMI: Sir, one striking feature of the Supplementary Budget presented to us is the fact that while Government gives a statement of expenditure on different heads, there is no mention as to how or wherefrom this additional expenditure will be met. Will the amount be met from any increased revenues, will it be secured from the closing balance or will it be obtained by starving other heads of expenditure? These are matters which are left entirely to the conjecture of the members.

Coming now to the different heads, the Publicity Department is first to catch one's eye. What is it going to give publicity to? The Director of Public Information is indeed a very dignified name for an officer who will be in charge of that department. But what will be his functions, still remains a mystery. If it is meant to give information about the activities of the Hon'ble Ministers, their policy and programme, there is first of all the *Provincial Gazette* and then there is the Press Officer who has hitherto sufficiently served the purpose of publicity in the press, whatever Government had to say or not to say on any subject of public importance. To maintain a department for publicity at a cost of at least a lakh of rupees for the remainder of the year only, is nothing but a sheer waste of money.

Then, Sir, about rural reconstruction. All that we have been informed is that the Director of Rural Reconstruction has so long been busy in drawing up schemes——.

A member: That has been withdrawn.

Mr. KANAI LAL GOSWAMI: If it has been withdrawn, I will not refer to it.

Then, Sir, about the education of the members of the scheduled caste, a sum of Rs. 5 lakhs looks a fairly decent provision. But from the explanatory note attached thereto, it appears that it is only a non-recurring lump grant paid once for all to appease their representatives in the Legislature. The money is said to be thrown into a Reserve Fund and relegated there for what period nobody knows. But the Hon'ble Minister does know that it is not to be spent in full in the

current year. Only a provision is made, and in order that the sum, either the whole of it or at least the unspent balance may not lapse, Government have been solicitous enough to take necessary steps.

I had something to say about agricultural operations and the working of Government farms, but I reserve it for another occasion.

The attempt to remove water-hyacinth is undoubtedly a laudable measure, but a sum of Rs. 45,000 is extremely inadequate if it is to be attempted in right earnest. The Water-Hyacinth Week celebration may very well serve the purpose of a demonstration, but if actual work is wanted the best way to utilise the sum to the fullest extent would be to distribute it amongst the various Union Boards and registered anti-malarial societies who can work under the guidance of the District Health Staff and the officers of the Public Health Department.

Sir, I have no comments to make about the Purdah College and the sum reserved therefor. I only hope that the benefits to be conferred by the measure and the results to be obtained will be commensurate with the amount of public money that will be spent for the purpose.

As regards the advance to the cultivators in case of flood and famine, I have only to suggest that while the advance must be sufficient and available to all who are in need of it, it will be for Government to see that repayment or recovery is effected in a manner so as not to cause hardship where such hardship exists, but regular and rigid in the case of those who try to evade payment under false pretexts.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, let me first dispose of all the points raised by Dr. Mookerji regarding the constitutional difficulty of the supplementary budget. Section 81 of the Government of India Act, 1935, provides that in respect of any financial year if further expenditure from the revenues of the province becomes necessary over and above the expenditure thereto authorised for that year, the Government shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure. The section is clear enough for presenting the supplementary budget and it has been the custom for a long time and I do not think we have transgressed that provision.

Dr. RADHA KUMUD MOOKERJI: Am I to understand from the Hon'ble Finance Minister's speech that——

Mr. PRESIDENT: Order, order. I am sorry I cannot allow you to speak at this stage unless the Hon'ble Finance Minister gives way.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I do not mind his putting a question at this stage, I shall be glad to answer it.

Dr. RADHA KUMUD MOOKERJI: Am I to understand from the Hon'ble Finance Minister's speech that any new item is permitted to be included in the supplementary budget?

The Hon'ble Mr. NALINI RANJAN SARKER: Not only a new scheme, but whatever expenditure is necessary which is not covered by the original estimate or budget, can be brought in the supplementary budget.

My friend Mr. Humayun Kabir characterised to-day's Budget discussion as a post-mortem examination. I admit that. Yesterday the Budget was voted on. But so far as the Council is concerned, I do not think that their interests are in any way prejudiced, because the Council have no power of voting on demands for grant, but we shall no doubt take notice of the views expressed in their speeches to-day, and the defects pointed out by them. Also, I admit that their arguments are reasonable in respect of some grants which should not have been asked for without laying down the schemes vividly in the Budget Estimates. Even though this Supplementary Budget has been passed, we shall try and give shape to those views of the hon'ble members expressed by them to-day here.

Mr. LALIT CHANDRA DAS: On a point of information, Sir, Will Government in future fix the dates for discussion of the budget before the demands for grant are actually voted on by the Assembly?

The Hon'ble Mr. NALINI RANJAN SARKER: I always do like that, Sir, but this year owing to unforeseen circumstances we could not fit in this procedure into our programme.

Mr. LALIT CHANDRA DAS: Will you do that in future?

The Hon'ble Mr. NALINI RANJAN SARKER: I cannot give any undertaking on that point, but, of course, if it suits us we shall try to do so.

Then, Sir, my friend Mr. Humayun Kabir has criticised the duties of the Director of Information, even though his criticism is not based on facts. He is labouring under a misapprehension that the Director of Public Information will carry on propaganda on behalf of the party constituting the Government. That, of course, is not a fact. The Director of Public Information will not carry on propaganda on behalf of the Muslim League or the Proja or the Coalition party. His duty will be only to give publicity to the work and programme and policy of the present Government as long as it holds the reins of office, and

also of future Governments. He will merely be in charge of publicity, and he will have nothing to do with prejudicing the public mind or spreading misrepresentations of real facts.

Mr. LALIT CHANDRA DAS: Are you aware that he is a member of the Muslim League?

The Hon'ble Mr. NALINI RANJAN SARKER: It is no concern of mine to know that, nor do I care to know that in so far as it does not interfere with the smooth running of the administration. I may at the same time inform Mr. Das that there are many Government officers belonging to the Congress party. We do not care to know all these things as long as the Director does Government work properly.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But Government servants cannot belong to any particular party!

The Hon'ble Mr. NALINI RANJAN SARKER: Then Mr. Humayun Kabir has said that he does not like the idea of spending the money which we have provided for the education of the scheduled castes in the appointment of officers. So far as I know, we contemplate the appointment of one special officer for the improvement of scheduled castes' education, as we have got one or two officers for the expansion of Muslim education. A portion of the money will be spent by way of providing scholarships, free-studentships, stipends, hostel accommodation and for establishing schools where there are none at present.

Regarding the Purdah College, I think you are under a misapprehension in thinking that the Chief Minister said that it would be solely devoted to the education of Muslim girls. What he said, so far as I remember, was that Muslim girls would have the first preference for admission into the College.

Mr. LALIT CHANDRA DAS: Will it be called a Purdah College or a Muslim Girls' College?

The Hon'ble Mr. NALINI RANJAN SARKER: The name has not yet been settled.

Mr. LALIT CHANDRA DAS: Did you not say in the last session that——

Mr. PRESIDENT: Order, order, it is the established practice that unless an hon'ble member who is in possession of the House, gives way voluntarily, no questions can be put to him. It is entirely within his rights to permit an interruption or not.

The Hon'ble Mr. NALINI RANJAN SARKER: Then, Sir, I come to the criticisms made by the Leader of the Opposition. He, Sir, is a new convert, as you know; so he will always say, and he must necessarily always say in order to establish his position, that whatever the Government do, are all nefarious. He has characterised everything as nefarious, and he has stated that we have tried to do everything in a hide-and-seek fashion, and he has asked me to categorically deny the charge that there is any provision in this one lakh of rupees for implementing any nefarious intentions of Government. I do not think, Sir, he is serious. He is no doubt an intelligent man; and he, I believe, is not at all serious. He is serious to the extent that he wants to establish his name and reputation in the party which he has joined only recently. I take it that one of the rank and status of Dr. Radha Kumud Mookerji certainly knows that out of these funds Government cannot spend any money for subsidising newspapers, not to speak of those especially advocating the cause of the Ministry and their views and actions. And supposing subsidies are given to the newspapers named by him, I do not think one lakh of rupees will be sufficient for that purpose. He knows it full well that those insinuations are baseless. Dr. Mookerji knows it for himself why he made these insinuations. So, I can assure this House that we shall spend this one lakh of rupees for the purpose for which it is shown to be spent in the Budget statement.

Dr. RADHA KUMUD MOOKERJI: I object to personal remarks being used in arguments.

Khan Bahadur NAZIRUDDIN AHMAD: What about your expression "nefarious," and so forth?

Dr. RADHA KUMUD MOOKERJI: Vituperation is no argument.

The Hon'ble Mr. NALINI RANJAN SARKER: I wish the Leader of the Opposition may himself realise that vituperation is no argument.

Dr. RADHA KUMUD MOOKERJI: My question was whether——

Mr. PRESIDENT: If any personal explanation is to be offered, it can always be done, but only after the Hon'ble Minister finishes his speech.

The Hon'ble Mr. NALINI RANJAN SARKER: I do not know, Sir, what to say, and how to reply to his queries, but this much I can once again say that no farthing from this money will be spent secretly and for anything and everything spent, accounts will be rendered.

Then, Sir, I notice a new tendency in the Congress ranks both here and elsewhere. I find that a certain remark of the Press Officer of the late Government has almost become scripture—a Vedic scripture—to the Opposition everywhere, whether it be in public meetings or in the Legislative Assembly or in this Council. We always and almost everywhere find, Sir, some quotation or some remark of the Press Officer which he might have confidentially made to his superior officer.

Mr. LALIT CHANDRA DAS: But it shows the low mentality of Government.

The Hon'ble Mr. NALINI RANJAN SARKER: May be, but it also shows the mentality of the person who brings it into prominence!

Dr. RADHA KUMUD MOOKERJI: It shows up the Government.

The Hon'ble Mr. NALINI RANJAN SARKER: No, it does not show up the Government, but it only shows up those who always quote the late Press Officer as regards certain remarks which he made in a confidential report, say, as far back as 1931 or 1933, to his superior officer in which he took credit that he had persuaded some of the nationalist papers to his point of view, and this fact is being paraded to the world that all the nationalist papers are being subsidised by Government in that way. But, Sir, on the other hand, if, say, the Press Officer or any Government officer and sometimes police officers as well, say anything against individual members of that illustrious party, you are apt to think that all the Government statements in that connexion are false! But when, to wreak their vengeance, it so happens that they can find some support from some statement of the same Government official, whatever be his capacity, they always parade it before the public. That is why I say that my friends opposite are not serious, and, I think, that these things are meant only to wreak their vengeance on grounds of personal animosities and not in public interest. And so far as this Government is concerned, since they assumed office on the 1st of April, 1937, to my mind, they have not done anything which may be described as "secret" or "nefarious."

Mr. NARESH NATH MOOKERJEE: The trouble is that you do not admit it.

The Hon'ble Mr. NALINI RANJAN SARKER: There is nothing wrong on our part, and so we do not admit.

Then, Sir, with regard to the floods which have ravaged the countryside, the House is aware that we have provided Rs. 30 lakhs in the

shape of agricultural loans. If that is found insufficient, Government no doubt will provide more money; and if necessary, they will even raise a loan and help the cultivators to get them out of this difficulty.

Some members have remarked that there is no mention in the Budget estimate for gratuitous relief. Sir, it is not necessary to have a separate demand for this. We can very well meet this from the Famine Insurance Fund under which heading we have got about twelve lakhs of rupees, and we can very well utilise that, replenishing that fund in the next Budget session. Up till now we have decided to spend about six lakhs of rupees from the Famine Insurance Fund for purposes of gratuitous relief, and if more money is needed for this we shall certainly provide it, because we have decided to save human lives and in that noble task no cost is too much to save the present generation as well as the future generations from the cruel hands of death through floods and such other ravages. In this attempt of ours sincere co-operation of the public is necessary so that the money which might be available might be spent properly and necessary succour might be given to the distressed.

My friend the Khan Bahadur has said that we must be prepared to write off these loans. If such an eventuality comes, the Government will be bound to write off such loans and they will certainly not hesitate to do so.

I want to say one thing which is important. Presuming that all the loans are to be written off, and that as a result Government is burdened with a huge amount of loan, I think that it will be such a strain on the finances of this province, that it may spell disaster to Bengal. Just imagine, Sir, the position in which the Bombay Government is, by excessively spending on the Back Bay Scheme. But for the present we shall not consider those things; whatever is necessary we shall provide for, to give relief to the really distressed people.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: May I crave your indulgence, Sir, for two minutes? No doubt I realize that I was not present in the House earlier—

Mr. PRESIDENT: It is the usual practice not to allow members to speak after the Hon'ble Minister in charge of the administrative department concerned with the subject-matter under discussion has replied to the debate.

Khan Bahadur ATAUR RAHMAN: I am not going, Sir, to speak anything on the Budget, but I want to make one suggestion to the Hon'ble Finance Minister. Since he has asked for our co-operation for relieving the distress caused by the floods, and to give him an

idea of the actual state of affairs on the spot, we want to go back to our respective constituencies with that end in view. What I request the Hon'ble Finance Minister to agree to is to enable us to go to our respective constituencies, but I think that our Council business will stand in the way of our so doing as there is a meeting of this House on Friday next. So, our request to him is to postpone the sitting till Monday, so that the *mufassil* members may go out to see the flood conditions and come and report what relief and what sort of co-operation are necessary. I returned, Sir, only last night from the district of Murshidabad and I feel that the hon'ble member who hails from Murshidabad will be able to bear me out when I say that the flood conditions there are terrible. As a matter of fact, it was almost impossible for me to come at all. I thought of coming on Sunday night. The roads are under water and practically the people have to swim in many places. When I came to the station yesterday, I saw that there was a breach in the railway line and that the train service had been disorganized.

In these circumstances, Sir, my request is that there be no sitting of the Council till Monday next.

Dr. RADHA KUMUD MOOKERJI: Sir, I wish to support the suggestion of my hon'ble friend the Khan Bahadur.

Mr. PRESIDENT: Under section 16 of our Rules and Standing Orders, it is the Governor who fixes the dates, presumably on the advice of the Ministry. So, it is for the Government to say whether they are agreeable to the suggestion put forward by the Khan Bahadur and supported by Dr. Mookerji.

Khan Bahadur ATAUR RAHMAN: May we, Sir, request the Ministry to advise His Excellency the Governor accordingly?

The Hon'ble Mr. NALINI RANJAN SARKER: But it is at the request of this House that we have already allotted two days more, and we are unable to grant any further extension of time. If the House does not meet on Friday next, I am sorry it will have to forgo one day's sitting.

Mr. RANAJIT PAL CHOUDHURY: May I submit, Sir, that the Khan Bahadur's suggestion is a very important one? I whole-heartedly endorse his views, which I need not dilate on. My only suggestion is that the Council be adjourned till Monday next, in order to enable us to go to our constituencies and visit the flooded areas.

Mr. PRESIDENT: I take it that, Mr. Pal Choudhury's suggestion is that there should be no sitting of the Council day after to-morrow.

Mr. RANAJIT PAL CHOUDHURY: It is so, Sir.

Mr. PRESIDENT: Under section 16 of our Rules and Standing Orders it is the Government which fix the business of the Legislature. It is for the Government to say whether they accept the suggestion.

Khan Bahadur ATAUR RAHMAN: May we request the Ministry to request His Excellency the Governor to postpone the sitting?

The Hon'ble Mr. NALINI RANJAN SARKER: We have no objection to postpone it but in that case we shall not be able to give any day for the discussion of the Bills.

Motion under section 118 of the Rules and Standing Orders.

Mr. PRESIDENT: The house will now resume the discussion on the motion moved by Mr. Nur Ahmed yesterday which reads as follows:—

"That this Council is of opinion that the conferring of any titles of honour or titular distinction on any person in Bengal by His Majesty or the Governor-General be discontinued as early as possible."

Mr. LALIT CHANDRA DAS: I desire to warmly support the motion of Mr. Nur Ahmed for abolition of titles. There are certain reasons why this system of giving titles should be abolished——

Rai KESHAB CHANDRA BANERJEE Bahadur: Does the hon'ble member mean abolition of the existing titles?

Mr. LALIT CHANDRA DAS: My friend the Rai Bahadur is very anxious about his title but if he will read the motion of Mr. Nur Ahmed he will find that he has nowhere said that the motion will have retrospective effect. It is a recommendation to His Excellency to communicate with the proper authorities that no further titles be granted in future.

Mr. PRESIDENT: It will have no retrospective effect.

Mr. LALIT CHANDRA DAS: There are several ways particularly by giving evening parties, nominations and conferment of titles by which the bureaucratic Government used to rally people in their support. By those means they raised a huge army of *johukums* to oppose the nationalists who desired to improve the country. This to oppose the nationalists who desired to improve the country. This system has not been given up by the present Government. We find

that the Government do usually recommend the names of persons for personal distinction and even nominate persons on local bodies who are expected to rally to the support of Government. The moment our Government would become a purely national government, I believe it will be its duty to give up any such system of recommending names for titles for personal distinction. As we are all aware some of the Congress provinces have given up the idea of recommending people for titular distinction. In America there is no title., So is the case in France; there they are all called citizens and they are proud to be called so. They laugh at English titles. There is no earthly reason why people in our country who are trying to bring in democratic days in India should hanker after titles. Why should people value titles like girls valuing giddy pleasures of the eyes? What can be a greater honour than that a man is a gentleman? Sir, with apologies to my titled friends, I support the motion for abolition of titles.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I with your permission Sir, move a short-notice amendment? It is to the effect that the Government be requested to inscribe these words on a golden plate and present it to the mover!

Maulana MUHAMMAD AKRAM KHAN addressed the House in Bengali. The following is the English translation of his speech:—

Mr. President, Sir, I had no mind to make a speech. On listening to the speech of my hon'ble friend Babu Lalit Chandra Das, I, however, feel a desire to speak a few words. We generally hear, especially from those of my friends with whom I had the good fortune to work for some time, the two words "indigenous" and "foreign". These words are constantly on their lips. They want to discard everything foreign as a matter of principle. Both they and we want to accept what is indigenous. This discarding of what is foreign and accepting what is indigenous is a big thing. I heard of America, Canada and of other big countries from Lalit Baba's lips but I am very sorry to note that he spoke nothing about the Indian traditions, customs and usages and Indian institutions that have been in vogue from time immemorial.

A member: You dwell on them please.

Maulana MUHAMMAD AKRAM KHAN: When I have risen to speak I shall certainly say something about them. My point is that a particular thing may become bad through abuse and good through proper use.

Thus, for example, gifts made by us out of a pure motive lead to our good but gifts made by us in order to win a good name become a source of evil to us. It is for this reason that I hold that whether titles are good or bad this should be judged from the use they are put to. Titles are certainly bad if there is anything bad connected with them. Otherwise if they are acceptable on principle, we shall have to determine under what conditions they are acceptable and under what conditions they are not. Among those who at present live in India, I think, there is hardly any one so unfortunate as not to have heard the name of Mahatma Gandhi.

Mr. RANAJIT PAL CHOUDHURY: But who has conferred that title?

Maulana MUHAMMAD AKRAM KHAN: Next, we hear about Lokmanya Tilak. At every house in Bengal Desbandhu's name is still remembered with undiminished reverence. We have not even to this day been able to forget our friend Desapriya also. Next, we learn that attempts are being made to create a new title called *Desatran*. Perhaps, Kamini Babu has some knowledge of it. Next, our friends say that the Nawab Bahadur of Taltola and the Maharaja Bahadur of Beltala are addressed as Nawab or Raja even though they have nothing like an estate at all.

Dr. RADHA KUMUD MOOKERJI: Formerly, the Sultan used to be called the *Suratran*.

Maulana MUHAMMAD AKRAM KHAN: Next, there is one professor here whom we call Doctor. My title is *Khan*. History bears no testimony as to the fact that there was among our forefathers up to the fourteenth remove anybody who belonged to the Pathan race. But the *Badshah* conferred the title of Khan on us and this title has been retained to this day. The title Sarker which the Hon'ble Mr. Nalini Ranjan Sarker, the Leader of this House, holds was most probably conferred by some Raja or Badshah. The hon'ble leader of the Progressive party and other hon'ble friends of mine who are here have got the word Chaudhuri affixed to their names. Next, you will find that formerly the Brahmans of Bengal had their titles. At least, I know of one such Brahman family whose former title was *Ojha*. But its members are now found to have various titles like *Bhatta*, *Chatta*, etc. Thus we find that it cannot be taken for granted that titles are bad in themselves. Still, why are they regarded as bad by my friends? As far as I have been able to follow their opinion, I see no reason for holding such a view. If the argument

of my friends is that although the titles are conferred on the recommendations of the Government of our country, still, the authority who confers them is the King of a foreign country, and hence, conferred as they are by a foreign King, they cannot be good, —I would like to remind my friends that since the Ministers of the provinces where Congress accepted ministry have taken the oath of allegiance to a foreign King, all this empty bragging and blustering on our part here can, I think, have no significance.

Mr. NUR AHMED: Sir, at the very beginning I said that I had not brought this motion in disparagement of title-holders. Personally speaking, I have got the highest respect for some of them. The motive which led me to table this motion was to avert disappointment in the ranks of honorary workers of the province. It encourages public spirit in some cases but brings bitter disappointment and ruin to many. On every day fixed for getting the congratulatory telegrams for conferment of new titles many expectants of the titles keep a watchful night and are bitterly disappointed when they find that no telegrams have come in their name. Speaking from my personal experience I can assert that some expectants have waited in this way for several years. It further brings about invidious distinction between honorary public workers and workers, and so it produces a baneful effect on honorary and public-spirited servants of the people. With these few words I again commend my motion to the acceptance of the House.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, in this matter Government do not like to express any opinion, because it is no concern of Government to recommend titles. Mr. Lalit Chandra Das has made a statement which is not correct. With the grant of titles Government has nothing to do. It is the prerogative of His Majesty the King and also of the Viceroy and the Governor-General. We shall send the proceedings of this Council to the proper quarter for such action as it or they may like to take. So far as we are concerned we have nothing to do with titles. Personally, I have got every sympathy with Mr. Nur Ahmed's motion and I am prepared to share with him the golden plate which he is going to get from the Maharaja of Santosh. Mr. Lalit Chandra Das has mentioned about nominations and said that we give nominations to those who support us. Sometimes we do so, but we have taken the hint from my hon'ble friend's bosses in the Working Committee of the Congress where the President of the Congress nominates all the members of the Working Committee.

Mr. PRESIDENT: The question before the House is that this Council recommends that an address be presented to His Excellency the Governor of Bengal for submission through proper channel to the

British Government in England and to the Governor-General of India the following resolution:—

"that this Council is of opinion that the conferring of any titles of honour or titular distinction on any person in Bengal by His Majesty or the Governor-General be discontinued as early as possible."

The House divided.

AYES—14.

Ahmed, Mr. Nur.
Chakraverti, Mr. Shrish Chandra.
Choudhury, Mr. Moazzemali.
Chowdhury, Mr. Hamidul Huq.
Das, Mr. Lalit Chandra.
Datta, Mr. Bankim Chandra.
Dutta, Mr. Kamini Kumar.
Goswami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Mookerji, Dr. Radha Kumud.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.

NOES—23.

Ahmad, Khan Bahadur Naziruddin.
Ahmed, Mr. Mesbahuddin.
Benthall, Sir E. C.
Bose, Rai Bahadur Manmatha Nath.
Chowdhury, Khan Sahib Abdul Hamid.
Chowdhury, Mr. Khorshed Alam.
Chowdhury, Khan Bahadur Rezzaqui Haider.
D'Rozario, Mrs. K.
Esmail, Alhaj Khwaja Muhammad.
Ferguson, Mr. R. W. N.
Haider, Nawabzada Kamruddin.
Hossain, Mr. Latafat.
Hossain, Mr. Mohamed.
Huq, Mr. Syed Muhammad Ghaziul.
Ibrahim, Khan Bahadur Maulvi Mohammad.
Khan, Maulana Muhammad Akram.
Molla, Khan Sahib Subidali.
Rahman, Mr. Mukhlesur.
Rashid, Khan Bahadur Kazi Abdur.
Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
Roy Chowdhury, Mr. Krishna Chandra, O.B.E.
Sarker, Rai Sahib Indu Bhusan.
Sen, Rai Sahib Jatindra Mohan.
Shamsuzzoha, Khan Bahadur M.
Singh Roy, Mr. Saileswar.
Sinha, Rai Bahadur Surendra Narayan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Wilmer, Mr. D. H.

The motion was lost.

Mr. PRESIDENT: Order, order. Notice of amendments to the draft rules will be accepted till noon on the 24th August next.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: That is Wednesday next?

Mr. PRESIDENT: Yes, as you suggested.

Rai KESHAB CHANDRA BANERJEE Bahadur: And when will this matter be taken up, Sir?

Mr. PRESIDENT: That will be announced later.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 19th August, 1938.

Members absent.

The following members were absent from the meeting held on the 17th August, 1938:—

(1) Baksh, Mr. Kader,
(2) Karim, Khan Bahadur M. Abdul,
(3) Khan, Khan Bahadur Muhammad Asaf
(4) Mcfarlane, Mr. J.
(5) Mukherji, Rai Bahadur Satis Chandra,
(6) Ormond, Mr. E. C.
(7) Roy, Rai Bahadur Radhica Bhusan,
(8) Sanyal, Mr. Sachindra Narayan,

B. G. Press—1938-39—6609A—750

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 19th August 1938, at 2-15 p.m., being the eighth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Hill exodus.

57. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state who amongst the officers of the Government, entitled to go to Darjeeling, availed themselves of the opportunity of going there during the last Summer Exodus?

(*b*) Will the Hon'ble Minister be pleased to state the amounts of travelling and daily allowances drawn by each of the Ministers, the President of the Legislative Council, the Speaker of the Legislative Assembly including their Deputies and the several Secretaries of the various departments who went to Darjeeling at Government expense during the last Summer Exodus (1938)?

(*c*) Were Committee meetings held at Darjeeling during the last Summer Exodus at Government expense? If so, will the Hon'ble Minister be pleased to name the members of both the Houses of Legislature with their party label, if any, who attended those Committee meetings and the amounts of travelling and daily allowances drawn by each of them?

(*d*) Will the Hon'ble Minister be pleased to state the reason why the Committee meetings referred to in clause (*c*) instead of being held in Calcutta, were held at Darjeeling?

(*e*) What has been the total amount of expenditure including the expenditure of His Excellency the Governor and his staff during the last Summer Exodus to Darjeeling?

(*f*) What was the total amount spent for the same during the Summer Exodus and also during the Autumn Exodus in 1937?

(*g*) Is Government aware that Bombay, Madras and the United Provinces Governments have given up the Hill Exodus?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) A statement is laid in the Library (Statement I).

(*b*) A statement is laid in the Library (Statement II).

(*c*) Yes: a statement is laid in the Library (Statement III), but I have not included "party labels".

(*d*) They were held at Darjeeling in order to save time.

(*e*) Rs. 63,624. This does not include the extra cost involved in holding Select Committee meetings at Darjeeling. The amount of this extra cost is being ascertained and the information will be furnished as soon as it is available.

(*f*) Summer Exodus, 1937—Rs. 63,020.
Autumn Exodus, 1937—Rs. 49,478.

(*g*) I have no official information on the subject.

Mr. LALIT CHANDRA DAS: With reference to answers (*a*), (*b*) and (*c*), is the Hon'ble Minister certain that the statements have been laid on the Library table (Statements I, II, and III)?

The Hon'ble Mr. NALINI RANJAN SARKER: That is my information.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to take the information from me that as a matter of fact, no such statement has been laid in the Library?

The Hon'ble Mr. NALINI RANJAN SARKER: I do not know, Sir, whose duty it is to place the statements in the Library.

Mr. PRESIDENT: Mr. Das, did you personally make any enquiry in the Library?

Mr. LALIT CHANDRA DAS: I personally did. Moreover, my friends Khan Sahib Abdul Hamid Chowdhury and Mr. Nur Ahmed also went to the Library but they too did not find any such statement there.

Mr. PRESIDENT: The difficulty is that unless the statements are found on the table, the hon'ble members are precluded from putting supplementary questions and I shall give an opportunity to the hon'ble members of the House to put supplementary questions on this question the next day we meet.

Mr. RANAJIT PAL CHOUDHURY: May I submit, that instead of laying the statements on the Library table, they may be laid on the table inside the Chamber, so that all the members may get facilities to see them?

Mr. LALIT CHANDRA DAS: On a point of information, Sir. May I know whether it is not the usual practice to lay statements only when they relate to statistics from recognised books of authority in the Library and whether it is not usual to place the statements such as those asked for in my question not on the Library table but on the table inside the House?

Mr. PRESIDENT: The Chair is of opinion that Mr. Das is correct. Only where there are references to large voluminous documents, the statements are placed on the Library table, but ordinarily they should be placed on the table of the House. The Chair will prescribe rules as to what papers should be placed in the Library and what other papers should be laid on the table of the House.

Mr. LALIT CHANDRA DAS: May I submit that supplementary questions so far as my question is concerned, be put off till the next day?

Mr. PRESIDENT: I have already said that supplementary questions on this question will be permitted on Monday next.

Khan Bahadur ATAUR RAHMAN: Unless we get those statements, how can we put supplementary questions?

Mr. PRESIDENT: I am certain that the Hon'ble Minister will see that the statements are placed in the Library. It will be available to hon'ble members this very evening and they will have two days' time to put supplementary questions on Monday.

Khan Bahadur ATAUR RAHMAN: I think the statements will be very big——

Mr. PRESIDENT: I have appreciated the difficulties of the hon'ble members and I shall prescribe rules that in future answers to such questions may be laid on the table of the House.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Is it the duty of the department concerned to see that the papers are laid on the Library table or they are to send them to the Council Department?

Mr. PRESIDENT: It is the duty of the Government department to see that such papers are placed in the Library; it is not the duty of the Council Department.

Central Government's grant for Bengal village reconstruction work.

58. Rai SURENDRA NARAYAN SINHA Bahadur (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) how the total Government of India grant for Bengal for the village reconstruction work had been distributed in the years 1936-37 and 1937-38, under different heads;

(*ii*) what amount had been allotted for each district; and

(*iii*) how much had been spent under different heads in each district and how much had been left unspent at the close of each year?

(*b*) Will the Hon'ble Minister be pleased to state whether the unspent balance of a particular year had been reallotted to the next year for the same district? If not, how this sum has been allotted in the next year's budget?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) (*i*) A statement is laid on the table.

(*ii*) and (*iii*) The information is being collected.

(*b*) The answer is in the affirmative.

Statement referred to in the reply to question No. 58.

	Scheme.	Allotment, 1936-37.
	(*Financed from Government of India's first grant.*)	Rs.
1.	Establishment of seed, paddy and crop demonstration centres	1,09,000
2.	Improvement of cattle and fodder crops ..	1,75,000
3.	Improvement of poultry ..	500
4.	Propaganda work in districts ..	20,000

		Allotment, 1936-37.
		Rs.
5.	Wireless transmission in Midnapore ..	17,000
6.	Agricultural Institute at Daulatpur ..	50,000
7.	Establishment of coir spinning and weaving demonstration parties ..	40,700
8.	Union Board Dispensaries, improvement of water-supply and grant to Sriniketan ..	3,95,000
9.	Attachment of agricultural farms, etc., to secondary schools and provision of playgrounds and village halls ..	2,33,000
10.	Grants-in-aid to Boy Scout, Girl Guide and Bratachari movement ..	20,000
11.	Minor drainage and flushing schemes ..	3,03,000
12.	Improvement in Chittagong Hill Tracts ..	30,000
13.	Discretionary grants to Commissioners and District Officers	2,05,800
14.	Unallotted balance of the 1st grant ..	1,000
	Total distribution of 1st grant in 1936-37 ..	16,00,000

	(*Financed from Government of India's second grant.*)	Allotment, 1937-38.
		Rs.
1.	Improvement of rural water-supply ..	2,20,738
2.	Playing fields and recreation grounds for villages and village schools ..	71,691
3.	Improvement of village communications including water-ways ..	72,064
4.	Improvement of rural sanitation ..	12,329
5.	Extension of cattle-improvement schemes to more districts	79,503
6.	Unallotted balance of the 2nd grant ..	275
	Total distribution of 2nd grant in 1937-38 ..	4,56,600

Persons in detention.

59. Mr. RANAJIT PAL CHOUDHURY (on behalf of Mr. Kamini Kumar Dutta): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of detenus in detention or internment at present;

(*b*) the number of detenus in domicile under order of restraint at present;

(*c*) whether the Government do intend to cancel the orders of detention, internment and restraint and release them;

(*d*) if the answer to clause (*c*) be in the affirmative, whether the Hon'ble Minister will be pleased to state when the Government intend to release them and cancel the order of restriction;

(*e*) whether the Government intend to release the political prisoners;

(*f*) whether the Government intend to adopt the policy of at least gradual release of the political prisoners;

(*g*) if so, when do the Government intend to put that policy into action;

(*h*) whether the Government intend to withdraw all restrictions put upon released detenus regarding whom either the original order has been suspended or cancelled;

(*i*) what efforts the Government have made to make provision for the employment of the unemployed detenus; and

(*j*) what is the number of released detenus for whom provisions for employment has been made by the Government and what is the nature of the provisions made?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Minister in charge of the Home Department): '(*a*) and (*b*) The number of detenus under different forms of restraint is as follows:—

In village domiciles—One hundred and sixty.

In jails—Seven.

(*c*) and (*d*) Releases will continue in accordance with the policy of Government. Rapid progress has been made and will, I hope, continue but I regret, I am not prepared to quote specific dates.

(*e*) to (*g*) The matter is under consideration and I am not in a position to make a statement at present.

(*h*) That has been done.

(*i*) and (*j*) The hon'ble member is invited to refer to the Press Communique on the subject issued on the 5th January, 1938. In addition two hundred and thirty-nine detenus have been given financial aid and set up in business after vocational training.

Revaluation.

60. Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the current cess demand—revaluation year, previous cess demand—year of revaluation and increase with percentage in each district;

(*b*) the price of paddy and jute prevailing at the time of the last revaluation in each district;

(*c*) in how many districts cess revaluation is due or overdue, and the name of those districts;

(*d*) the reason for not making revaluation in districts where it is due or overdue;

(*e*) whether revaluation will be made in any district next year; if so, the name of the district;

(*f*) whether it is a fact that the value of agricultural produce has come down to a very low rate; and

(*g*) whether the current cess demand is exorbitant in comparison with the prevailing value of agricultural produce?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar (on behalf of the Minister in charge of the Revenue Department): (*a*) The information will be found in the statement laid on the table.

(*b*) and (*f*) The price levels of rice and jute of the respective years will be found in the season and crop reports of the province.

(*c*) The statement referred to in part (*a*) shows the year of last revaluation. Districts of which revaluations were made over five years ago are now open to fresh valuation.

(*d*) The first revaluation under the amended Cess Act has recently been concluded in the district of Jessore. Till the results and experience of this revaluation are available, it was not considered desirable to start work in more districts.

(*e*) A provincial programme of cess valuation under the amended Cess Act is now under preparation.

(*g*) This is a matter of opinion.

Statement referred to in the reply to question No. 60.

Name of district.	Current cess demand. L. R. Report (1937-38). Appendix XX.	Previous cess.	Year of revaluation.	Percentage of increase or decrease.
1	2	3	4	5
	Rs.	Rs.		
Burdwan ..	3,59,443	3,32,379	1908	+ 8
Birbhum ..	1,96,582	1,43,640	1934	+ 36
Bankura ..	2,19,468	1,09,566	1926	+100
Midnapore ..	5,92,529	3,33,615	1923	+ 77
Hooghly ..	1,99,536	2,39,007	1926	− 16
Howrah ..	1,23,697	95,378	1928	+ 29
24-Parganas ..	5,21,252	4,58,414	1914	+ 13
Nadia ..	3,19,322	1,95,743	1927	+ 63
Murshidabad ..	2,47,949	1,83,136	1933	+ 35
Jessore* ..	3,31,063	4,73,610	1936	− 30
Khulna ..	6,17,745	2,78,936	1930	+121
Dacca ..	3,36,887	2,36,642	1917	+ 42
Mymensingh ..	7,02,899	4,81,498	1922	+ 45
Faridpur ..	2,88,527	1,98,908	1932	+ 45
Bakarganj ..	4,96,930	4,63,826	1919	+ 7
Chittagong ..	2,06,397	1,80,146	1935	+ 14
Tippera ..	3,20,596	3,00,583	1925	+ 6
Noakhali ..	2,42,636	2,11,829	1929	+ 14
Rajshahi ..	3,37,662	2,12,880	1927	+ 58
Dinajpur ..	4,36,882	3,08,470	1931	+ 41
Jalpaiguri ..	2,23,124	2,40,373	1931	− 7
Rangpur ..	5,52,785	2,61,505	1927	+111
Bogra ..	2,50,050	1,10,271	1930	+126
Pabna ..	3,71,053	1,57,783	1929	+ 71
Malda ..	1,76,616	1,06,300	1926	+ 66
Darjeeling* ..	96,419	80,095	1937	+ 20

*Figures have been taken from the recent Completion Reports.

Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister be pleased to state the reason for increase of over hundred per cent, in the four districts of Bankura, Khulna, Rangpur and Bogra?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Possibly that was determined on the value of the price of paddy prevailing at the time of the assessment.

Tauzies in Murshidabad and certain other districts.

61. Rai SURENDRA NARAYAN SINHA BAHADUR (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): Will the Hon'ble Minister in charge of the Revenue Department be pleased to

state as to when the *tauzies* in the districts of Murshidabad, Birbhum and Rajshahi were first created, formed and numbered?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar (on behalf of the Minister in charge of the Revenue Department): The information is not readily available as its compilation would necessitate the examination of papers relating to the pre-Mutiny period and Government do not consider that the trouble and expense involved would be commensurate with the value of the information sought.

The Central Road Development Fund.

62. Rai SURENDRA NARAYAN SINHA Bahadur (on behalf of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur): (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement showing—

(*i*) the total amount received by the Government of Bengal from the Central Road Development Fund in the financial year 1936-37 and also in 1937-38;

(*ii*) the total amount received up to June, 1938, from the Central Fund since its creation;

(*iii*) the amount spent by the Government of Bengal in the year 1936-37; and

(*iv*) the total unspent balance at the close of the year 1936-37 and also of 1937-38?

(*b*) Will the Hon'ble Minister be pleased to state the reason for not utilising the amount allotted each year?

(*c*) Has any provision been made for utilising the unspent balance at the close of any financial year to be carried over and spent at the next financial year? If so, how the unspent balance of 1936-37 had been utilised?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar): (*a*) (*i*) Rs. 17,66,000 and Rs. 2,27,000, respectively.

(*ii*) Rs. 1,07,62,000.

(*iii*) Rs. 12,94,000.

(*iv*) Rs. 43,33,000 and Rs. 32,38,000, respectively.

(*b*) The reasons for accumulation of Road Fund money have been explained by Government in the Press Note, dated the 1st June, 1938, a copy of which has been placed on the Library table.

(*c*) Unspent balance of the Road Fund at the close of a year does not lapse. It is added to the next year's proceeds and provision for that year's probable expenditure is made in the budget out of this accumulated Fund.

Statement referred to in the reply to question No. 62.

PRESS NOTE.

Calcutta, the 1st June, 1938.

The Government of Bengal in the Department of Communications and Works have been subjected to adverse criticism both by the general public and by the Provincial Legislature for their failure to spend the money allotted to them by the Government of India from the Central Road Fund. With a view to explain the position of Government the following communique is published for the information of the public.

On the 1st April, 1937, the present Government were left with an unspent balance of Rs. 43·33 lakhs in the Road Fund. A further allocation of Rs. 1·13 lakhs was made in the year 1937-38 and the total expenditure incurred during the year was Rs. 11·55 lakhs. The year therefore closed with an unspent balance of Rs. 32·95 lakhs. The current year's budget contains a provision of Rs. 25·81 lakhs which if worked up to will leave a balance of Rs. 7·14 lakhs only.

Prior to the inauguration of the Reforms, Road Fund projects had been under the dual control of the Local Self-Government and the Public Works Departments and in consequence the preparation of projects was inevitably delayed but other causes prevented speedy progress in the carrying out of schemes for the improvement of roads. In a deltaic province like Bengal with extensive spill areas the question of providing sufficient waterways in the interest of sanitation and agriculture has to be solved before schemes of road construction can be framed and hydraulic observations have to be undertaken for a prolonged period before the construction or design of bridges necessary to span the larger waterways can be undertaken. Formalities prescribed under the Land Acquisition Act often cause a good deal of delay in the acquisition of land required for road projects. Besides every scheme after being approved by the Board of Communication has to be sanctioned by the Government of India. This procedure takes a considerable amount of time. Government were so long awaiting the preparation of a comprehensive road programme for the whole province by a Special Officer, this has now been received and is under print. The magnitude of the work which was undertaken by the Officer during the last 4 years will be gauged from the volume of the report and the number of maps for reference which will be before the public in the near future. He had to

tour the entire province and each of the road schemes which has been incorporated in the report was prepared in consultation with the District Board and the District Officer in the 26 districts. It is not a fact that the money which has accumulated was due to the fact that the department had no scheme to work upon. There was no dearth of projects. What was wanted was to take up a comprehensive programme in order that the whole scheme may be worked up systematically. It is true that during the last financial year the execution of road projects had not been up to Government's expectation. It is for this reason and with a view to accelerate the progress of road construction that a Special Officer of the rank of a Superintending Engineer has been appointed. His sole duty will be to concern himself with the prompt preparation and execution of road projects, look into things personally instead of corresponding through the usual departmental channel, take steps to have the proceedings for land acquisition expedited, decide questions of specifications, designs, etc., and remove other difficulties which a local officer may experience and also be in direct touch with Irrigation, Public Health and other departments which may have to be consulted at different times. It is expected that with this special organisation it will be possible to make better progress with road work. It may be noted that similar accumulation of Road Fund money occurred in Bombay and that Government have adopted a similar procedure for expediting matter.

Union Board in Diamond Harbour.

63. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether he is aware that Union Boards are being thrust upon the people of Diamond Harbour against their wishes and exorbitantly high taxes are also being imposed on a class of people who are not in a position to bear such taxes?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT (the Hon'ble Mr. H. S. Suhrawardy): No.

Mr. RANAJIT PAL CHOUDHURY: Is the Hon'ble Minister aware that there were several protest meetings to denounce this thrusting of Union Boards?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of it.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to enquire as to whether such meetings were held to denounce the formation of such Union Boards?

The Hon'ble Mr. H. S. SUHRAWARDY: I would like to inform the hon'ble member that Union Boards have come to stay in this Province and their utility is being manifested from day to day. In this particular case the District Boards and the Local Boards all recommended the establishment of these Union Boards.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister be pleased to state whether he thinks that the Union Boards should be formed against the strongest protest of the people there?

The Hon'ble Mr. H. S. SUHRAWARDY: It all depends upon what the hon'ble member describes to be the strong protest of the people.

Mr. RANAJIT PAL CHOUDHURY: Is the Hon'ble Minister aware that strong protests are being made by the people of the locality which I represent?

The Hon'ble Mr. H. S. SUHRAWARDY: It is regrettable that the people of the locality do not understand their own interests.

Debt Settlement Boards.

64. Rai MANMATHA NATH BOSE Bahadur: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the number of Debt Settlement Boards which have been formed in the district of Midnapore;

(*ii*) the total number of applications filed by the debtors and the total number filed by the creditors in the said district;

(*iii*) the total number of suits and execution cases stayed in the courts and withdrawn by the Boards; and

(*iv*) the total number of such suits and execution cases disposed of by them?

(*b*) Will the Hon'ble Minister be pleased to state if he has enquired as to how the provisions of the Act have so far worked in the district of Midnapore?

(*c*) Will the Hon'ble Minister be pleased to state the number of co-operative societies—agricultural and non-agricultural—in each district of the Burdwan Division? Do Government propose to post an Assistant Registrar of Co-operative Societies at Midnapore for the purpose of better administration and control of such societies existing in the districts of Bankura and Midnapore?

(*d*) Will the Hon'ble Minister be pleased to state, what is the amount of audit fees realised from co-operative societies in the district of Midnapore during each of the years—

1932-33,
1933-34,
1934-35,
1935-36,
1936-37, and
1937-38?

(*e*) Was any auditor or inspector appointed out of the *bona fide* inhabitants of the district in any of these years? If so, will the Hon'ble Minister be pleased to give the name or names showing the year of appointment?

(*f*) Does the Hon'ble Minister intend to open a Land Mortgage Bank in Midnapore? If so, when?

(*g*) Is the Hon'ble Minister aware that the annual meeting of the Peoples Bank, Midnapore, has not been held for some years past? If so, what steps does he intend to take?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) and (*b*) The information is being collected and will be supplied to the hon'ble member as soon as received.

(*c*) and (*d*) A statement is laid in the Library.

(*e*) Yes. Two auditors were appointed, Babu Sudhir Kumar Mukherji in 1935 and Babu Arun Bikash Bose in 1934.

(*f*) A scheme for ten more Land Mortgage Banks is under preparation. The claims of Midnapore will be considered when the scheme materialises.

(*g*) Yes, since 1933-34. It is proposed to hold the general meeting for the last four years in September next.

Rai MANMATHA NATH BOSE Bahadur: Is the Hon'ble Minister aware that no statement was laid on the Library table up till 2-5 p.m. to-day?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am very sorry, Sir. It will be open for the hon'ble members to put supplementary questions on Monday, and I shall see that the statement is laid on the Library table.

Mr. PRESIDENT: The Hon'ble Minister will please see that these papers are laid on the Library table at once.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I shall certainly see to that. I regret that it has not been done.

Khan Bahadur NAZIRUDDIN AHMAD: In the answer it has been written "laid in the Library" and not on the table.

Mr. PRESIDENT: The correct form is placed in the Library.

Rai MANMATHA NATH BOSE Bahadur: I may be permitted to submit that I looked both in the Library as well as on the Library table.

Short-notice question.

64A. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister be pleased to state if the Government of Bengal have made any enquiry as to the number of Bengalees that were killed in the recent riot at Burmah? How many were injured? How many Indian shops were looted and houses burnt down?

(*b*) (*i*) how many of the killed persons are Bengalees;

(*ii*) how many of the injured persons are Bengalees; and

(*iii*) how many of the shops looted and houses burnt down belonged to Bengali residents?

(*c*) Is it a fact that a large number of people of Bengal residing in Burmah has been rendered homeless and destitute? What is the total number of such persons? Has the Government of Bengal made any representation to the Government of Burmah on behalf of these Bengalees?

(*d*) What steps have been taken by Government of Bengal for the safety and security of the people of Bengal living in Burmah and for rehabilitating them in their former position? If not, why not?

MINISTER in charge of the HOME DEPARTMENT (The Hon'ble Khwaja Sir Nazimuddin): Sir, at present we have not got the information which has been asked for, but I do not want to wait for that for giving a reply to this question. Government of Bengal sent a wire to the Government of Burmah.

Mr. NARENDRA CHANDRA DATTA: When?

The Hon'ble Khwaja Sir NAZIMUDDIN: About a week ago. We were assured, Sir, by the Burmah Government that there were no cases of destitution amongst the Indians in Rangoon. But it transpires now that the refugees who are now coming in from Rangoon are giving

a different story. So we are writing to both the Government of India and the Government of Burma in order to ascertain the facts so as to be able to reply to the hon'ble member.

Mr. BANKIM CHANDRA DATTA: Have you written already?

The Hon'ble Khwaja Sir NAZIMUDDIN: No. We are only taking steps to find out the real facts. As a matter of fact, we have already wired to the Government of India requesting them to ask the Railway Board to give free passes to those who are returning from Rangoon, so that the refugees can get to their homes without any further cost.

Mr. NARESH NATH MOOKERJEE: On a point of information, Sir. May I request the Hon'ble Minister to state if he can give us some recent information about the hunger-strikers in the Midnapur Jail?

Mr. PRESIDENT: Mr. Das, do you like to put any supplementary questions on this particular subject?

Mr. LALIT CHANDRA DAS: Yes, Sir. I have supplementary questions on this subject. When did the riots take place? Two or three weeks ago?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. LALIT CHANDRA DAS: Then why is it that the telegram was sent so late as only a week ago?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the reply is obvious. The Burmah Government is not a Government which has anything to do with India, and it is only after we got alarming reports that we asked for an inquiry to be made. Sir, may I correct myself about the date? I think I said that we sent a wire about a week ago, but I should say more accurately that it was about ten or fifteen days ago that we sent the telegram.

Mr. LALIT CHANDRA DAS: Did not the alarming reports reach the Government three weeks ago? Mere sending a wire is not going to do much good.

The Hon'ble Khwaja Sir NAZIMUDDIN: Even at the time of sending the wire the Government was not acquainted with the real facts of the case.

Mr. LALIT CHANDRA DAS: Is there any information in the hands of Government as regards the total number of persons killed there?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not got the information.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister please state whether Government intend to compensate those who have suffered in these riots?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, do you expect me to reply to this question?

Mr. LALIT CHANDRA DAS: Has the Ministry any information as to the number of persons who have landed in Calcutta, penurious and penniless, from Rangoon?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have not got a complete record, Sir, but at the present this much we know that there are one hundred and thirty-six persons in Syed Musaji Saleji Musafir-khana, being looked after by the Calcutta Khilafat Committee.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister kindly consider the desirability of sending out a Committee of Inquiry to investigate the matter in Burmah?

(No reply.)

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that these destitute people are also being looked after by the Bengal Provincial Congress Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, they are not being looked after by the Bengal Provincial Congress Committee.

Mr. LALIT CHANDRA DAS: Did you make any enquiry into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: Of course I myself did not make any enquiry, but the people who are looking after the refugees saw me more than once on the subject and it is from them that I could ascertain this fact.

Mr. LALIT CHANDRA DAS: What sort of people are they who informed you like this?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Secretary of the Khilafat Committee was present at the time when the first batch arrived and he told me that no Congress representatives were there to receive them at that time. Those men were taken to the Mussafirkhana by the people of Mirzapur. Those who belonged to the Noakhali and Chittagong districts were sent to their respective homes, and the rest, Hindus and Muslims, were looked after by this Khilafat Committee. The number in the first batch was thirty-three and since then the number has gone up to one hundred and thirty-six. Another batch is arriving and in that we expect another ninety.

Mr. LALIT CHANDRA DAS: I have seen the papers reporting that the Congress Committee also are looking after these refugees. Is it not a fact?

The Hon'ble Khwaja Sir NAZIMUDDIN: The papers may report many things but they are not always true.

Mr. LALIT CHANDRA DAS: Did you make an enquiry to find out the truth or falsity of the statements in the papers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am satisfied that the information I have received is correct.

Mr. NARESH NATH MOOKERJEE: As to my point of information, I cannot of course press the Hon'ble Minister to give me a reply, but if he kindly give us a reply, we shall be pleased to hear him.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state what the Government is doing to give relief to these destitutes?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government are trying to get for them free railway passes to enable them to reach their homes.

Mr. LALIT CHANDRA DAS: Is it not the duty of Government to maintain these refugees who are at Calcutta without in any way depending upon the Khilafat Committee?

(No reply.)

Mr. PRESIDENT: Mr. Mookerjee, you rose on a point of information?

Mr. NARESH NATH MOOKERJEE: Yes, Sir, my point of information was with regard to the hunger-strikers in the Midnapur Jail. If the Hon'ble Minister has recently received any information about them, we shall be only too glad to have it.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry, Sir, I have not acquainted myself yet with the current information. I have not seen the latest reports about it. I have already told the hon'ble members of what I saw in the last report. It was that there was no one in a serious condition, but the hunger-strike is still continuing.

Mr. LALIT CHANDRA DAS: On a point of information, Sir.

Mr. PRESIDENT: I cannot allow supplementary questions on matters raised on a point of information. There was no notice given to the Hon'ble Minister to enable him to reply to all such questions raised by you now.

Mr. LALIT CHANDRA DAS: Not on this matter Sir, but I want information on some other subject. The Council Department circulated lists of admitted questions, particularly List 1C to all the members of this House. Now, Sir, there were many questions which were due to be answered on the 8th of this month but which were not all answered, and I actually wrote to the Secretary to the Council informing him of the number of questions which were due for answer on that date but which still remain unanswered. I gave notice of six questions of which only one has been answered to-day, although all were due for answer on the 8th instant. Not only mine, Sir, but I know of other questions put by other members of this House, which were due for answer on the 8th, but which have not yet been answered. Now, Sir, I want to know what happened to those questions and whether they will be duly answered.

Mr. PRESIDENT: The Council Department has collected statistics of questions which remain unanswered up to the 14th instant after the expiry of the due period of notice. In the Education Department there are ten questions unanswered; in the Finance Department only one; in the Home Department sixteen, in the Revenue Department three, in the Agriculture and Industries Department two, in the Communications and Works Department two, and in the Judicial and Legislative Departments seven. The Chair expects that the Hon'ble Ministers responsible for the Administrative Departments concerned will see that all such questions are answered as early as possible, because the session may not continue long.

The House will now proceed to the discussion on the White Paper containing the review of the recommendations of the Retrenchment Committee of 1932, and of the decisions taken thereon.

Review of the Retrenchment Committee's recommendations.

Mr. BANKIM CHANDRA DATTA: Sir, I am thankful to the Government for placing before us the review of the recommendations of the Swan Committee and of the decisions taken thereon shown in the form of a tabular statement.

There are two statements, the first dealing with proposals for retrenchments, and the second with proposals for new revenues. It appears that if the Committee's recommendations regarding retrenchment had been accepted, they would have given us a saving of one crore and 72 lakhs of rupees out of the annual recurring expenditure. The previous Government partially accepted these recommendations with the result that the actual saving comes to about 93 lakhs of rupees. So far as this Government is concerned, I am afraid there is nothing very much to say to their credit except in respect of four or five items in which they have attempted to make a saving. But an examination of these items will show that what they have tried to save by the right hand, has been spent by the left hand in one item in the Forest Department.

Sir, I would make the position clear by a reference to paragraph 45, in the first statement. There we find the recommendation was that the second post of Conservator should be held in abeyance till revenue improved. This was accepted by the previous Government but unfortunately the position taken up by the present Government is that it has now been revived and its continuance is considered essential for the proper administration of the forests. Sir, the recommendation of the Swan Committee was that the post should be held in abeyance till revenue improved. There is no indication whatsoever that so far as this department is concerned, there has been any improvement in the revenues, but all the same, the post will have to be revived and a sum of Rs. 50,600 has to be spent on this. Thus, Sir, the savings in the five items (paragraphs 201, 204, 268, 310 and 389, totalling about Rs. 47,000) have, by one stroke of the pen, been spent on one officer in the Forest Department".

Then there is one other item where it is claimed that certain savings have been effected and I shall deal with it at once. It is item No. 145 of the Recommendations and the figure under "Further savings" by the present Government, is Rs. 1,53,000. It would not be quite accurate to call this as "further saving". The previous Government reached no decision on the question of cadre and left the question of abolition of the hundred and one posts in the Bengal Junior Civil

Service for consideration by this Government. The Committee recommended an economy of about ten lakhs of rupees and the present Government have shown only a saving of a lakh and a half. But while I am on this item it may be of use, Sir, if I draw your attention to paragraphs 139-140.

The recommendation of the Swan Committee was to reduce the salary of the Indian Civil Service. The previous Government said that no decision had been reached on this question but the present Government goes further and says, that no decision can be reached except with the sanction of the Secretary of State.

The Hon'ble Mr. H. S. SUHRAWARDY: That is the law.

Mr. BANKIM CHANDRA DATTA: I am not unmindful of the law but why cannot we so arrange our affairs as to avoid going up to the Secretary of State for this? Instead of laying your axe on the Junior Civil Service why not begin from the top and reduce the heaviness on the top of the structure and thus handle the situation more effectively—and effect a larger saving?

As regards the various other recommendations of the Committee, this Government is absolutely silent and it has not been able to put forward any cogent explanation or reason for their non-acceptance. There are cases where the statement is completely silent about the estimate in figures if the recommendations are given effect to. I would now refer curiously to cases where the Government should have given effect to the recommendations of the Committee. I would refer to paragraph 61. The Swan Committee's recommendation was that the post of the Inspector-General should be abolished and the duties handed over to the Commissioner of Excise. There would have been a saving of Rs. 20,700 but the present Government's view is that the work to be done, now more than ever demands the whole time of an officer. I agree that it may be like that but I do not know whether the department has gone through the matter very carefully and examined the position from the point of view as to whether it would be possible for another officer to deal with the various duties of the Inspector-General in addition to his own.

As regards paragraph 88—amalgamation of Divisions, I find from the note of the previous Government that it provisionally decided to close the Bankura Division but eventually it was not found possible and it was being retained on a temporary basis to complete certain investigations and to carry out a contour survey in the Western and Central Bengal. There are data here by which one can readily understand the actual position and whether the Government is examining the present position. I think that if there is a convenient amalgamation there will be a lot of savings.

In this connection I may draw the attention of the House to paragraphs 53, 129-37 and the last item No. 340 about Public Works. In paragraphs 129-37 the Swan Committee discussed at some length the desirability of retaining Divisional Commissioners in the administrative machine and decided with one dissentient that they should be retained but recommended that they should be reduced from five to three in number (here they were unanimous). The matter has been discussed at very great length in various other places and I may point out that in 1936 at a meeting of the All-Bengal Municipal Association this particular matter was discussed and a resolution was passed, a copy of which was sent to Government but I am afraid nothing has yet been done. The Divisional Commissioners in so far as they are administrative officers are more or less glorified post masters. Their duties can very well and more effectively be distributed among the district officers and the Secretaries and Deputy Secretaries of the Local Self-Government Department. As regards their judicial duties, they can be performed by the District Judges in addition to their own work. So far as the administrative department is concerned, I can quote chapter and verse to prove the inordinate delay and consequent mischief caused when a resolution passed by a municipality ordinarily does not reach the Self-Government Department before at least a fortnight has elapsed in between. It has first got to go to the District Magistrate who after considering it forwards it to the Divisional Commissioner. He again takes a week or so to consider the resolution and then sends it on to the Local Self-Government Department. There have been cases where a municipality tried to prevent a particular mischief by a resolution but by the time the reply was received from the Self-Government Department the mischief was already done. I do not think that this office has any further utility as a link in the chain of administration and should be abolished. I am willing to discuss the matter with the Hon'ble Minister to convince him within two hours if he can spare the time, that it is no further use retaining the office of the Divisional Commissioner.

Then I come to paragraphs 183 and 185 under the head "Police". The recommendation was that one of the assistants to the Inspector-General should be a Deputy Superintendent of Police. The note of the present Government is that as soon as a vacancy occurs the question will be taken up. I think the Government could have been more definite in their answer.

In paragraph 184 the Swan Committee recommended that three out of the five posts of Range Deputy Inspectors-General should be retained and two abolished. The present Government says it is still under consideration. How long will it take to consider this matter and when may we expect their verdict?

The next item is that the Additional Superintendents of Police should be replaced, except in five districts, by Assistant or Deputy

Superintendents. That will have effected a saving of Rs. 25,300. There again the present Government says that it has considered the matter and is of opinion that no reduction in the number of Additional Superintendents of Police can be effected at present as conditions have not changed materially yet. I can understand the attitude taken up by the previous Government because they said "when the conditions become normal they will consider this matter". This Government, I think, will agree that conditions are now normal and as such it ought to accept the recommendations of the Swan Committee straightaway.

In paragraph 199 the Swan Committee recommended that the number of Deputy Commissioners could be reduced from seven to four. The previous Government tried to effect a saving but the present Government has no change under contemplation. It cannot even think of a change!

Then, again, in item No. 200 I am glad to find that Government suggested "this will be examined again". There is some hope in this remark of the Government. But one wonders when would we get the result of this examination?

Then, Sir, regarding item No. 202 wherein it is stated, "the number of sergeants can be reduced by twenty-five when the present emergency passes", I say that the emergency has long passed, but the present Government says, "No further reduction is under contemplation" and they have reduced the strength by only nine. One fails to appreciate this policy.

Then, Sir, regarding item No. 205 it is stated that the number of investigating centres in Calcutta should be reduced from twenty-six to twenty. This is a very humble proposal, Sir, but still the Government says, "No reduction is under contemplation". If they are reduced by six, we may have a saving thereby of Rs. 50,000, but it is unfortunate that the Government does not find its way to accept the recommendations of the Committee in this respect.

Then, Sir, coming to item No. 257 under the head "Medical", regarding the post of Surgeon-General, the recommendation of the Committee is that the post can be abolished and replaced by an Assistant Surgeon of the rank of Civil Surgeon as a Deputy or Assistant Secretary in the Medical Department. Well, the previous Government were content by making a mere statement, "Government were unable to accept this proposal" but this Government goes further and says, "Apart from the fact that its abolition will require the sanction of the Secretary of State, Government consider that the post is an indispensable administrative necessity". Sir, I do not know what the functions of this great luminary are except merely to adjust the heads of expenditure, etc. What are his onerous functions so that we have got to spend so much on this post? I find, however, that by abolition of the post the saving would be Rs. 39,000.

Then again items Nos. 258, 259 and 260 deal entirely with the same subject and they have recommended that the medical charges can be reduced from twenty-seven to eighteen by amalgamation but our reformed Government would not accept them!

Then again as regards the cadre of the Indian Medical Service the recommendation was to reduce it from thirty-three to seven and to effect an approximate saving of Rs. 2,64,000. Unfortunately for us there is that big answer that "the question is outside the purview of the local Government" but I am glad to find that they have recently protested against a proposal of the Government of India to reserve certain posts in this province for the Indian Medical Service, but the decision is not in their hands. According to my humble submission, Sir, the remedy lies here, viz., if you provincialize the Service you will not have to go to the Government of India.

Then, Sir, referring to items Nos. 340 to 344 and 347 the recommendation was for the reduction of the number of Divisions from ten to seven with consequent reductions in staff. If that recommendation had been accepted, it would have resulted in a saving of Rs. 5,27,200, whereas the annual saving that is now being effected is about Rs. 93,900.

I can go through almost each and every item and show that we could, if the Government was so rationally minded, effect a saving of 90 per cent. instead of 53 or 54 per cent. which the Government says it has been able to save.

Then, Sir, of course, I will not deal with the statement regarding "New Revenue". I dare say we must give the Government an opportunity to explore fresh avenues of revenue, but I cannot refrain from making one observation as regards this Statement, Statement No. II, which deals entirely with proposals for new revenue. From paragraph No. 399, I mean the last paragraph, I find that, unfortunately, the Collectors of Howrah and the 24-Parganas have been singled out and it has been suggested that they should pay some house rent even at a reduced rate. But why on earth, Sir, should these Magistrates be singled out and made to pay house rent? What about the other District Magistrates? Why should not they also be tapped?

Sir, what I submit finally is this—that the Government can, if they make a serious effort, effect a larger saving in view of the recommendations of the Swan Committee especially in respect of the items which I have mentioned. Sir, one fails to appreciate the argument, if any, advanced by Government for non-acceptance of these recommendations of the Committee. This Committee, which consisted of eminent persons have come to decisions after examining experts and the Government point of view, which was fully placed before them. There are recommendations where the Committee were unanimous and which, I think, it would be the duty of the Government to respect and give effect

to. I hope that the Government will be pleased to take these matters again into its consideration, examine them and try to effect more savings.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I just want to make a statement about that wire to the Government of Burmah. It was, Sir, sent on the 3rd of August, 1938.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I rise to make a few observations in connexion with the White Paper which is the subject-matter of to-day's discussion.

Sir, from Statement II of the Paper it will be found that according to the Committee's recommendations a saving to the extent of one crore and seventy five thousand rupees could be made, but as a matter of fact Government could make only a saving of Rs. 92-97,000. To corroborate the fact that there has been that saving, in the Preface it has been stated that the expenditure in 1936-37 should have exceeded the expenditure for 1929-30 by Rs. 1 crore and 29 lakhs and odd, but instead the actual increase had been only 40 lakhs, showing thereby that there has been a saving of Rs. 88 lakhs and 61 thousand. But, Sir, this rests on the assumption that there has not been any decrease in the aggregate of expenditure in respect of other items. If there has been any decrease, that would probably go to keep down the expenditure of 1936-37, about which, however, we are not sure. And I hope the Hon'ble Finance Minister will kindly throw some light on this matter in his reply.

Now, Sir, in this Statement No. II, in the footnote, it has been stated that, in the recommendations with respect to Chapter XXVII. "Leave and Holidays", it was only on pure guess that 9 lakhs of rupees was put down, as savings due to reduction of that Leave Reserve, etc. It has been stated, Sir, that it could be left out altogether, as it was pure guess-work. But I do not think why it should be so, for it can be arithmetically calculated, taking into consideration the number of Leave Reservists and the number to be reduced, what will be the actual savings and then it can be shown in the statement. If they are to be altogether neglected, then does Government mean to say that the recommendations of the Swan Committee with respect to Leave and Holiday Reserve are not accepted at all?

Sir, on cursorily going through Statement III (Abstract of Statement I) it will be noticed that the recommendations of the Committee in respect of savings under "General Administration" have been accepted to the extent of only 7 per cent or so, and that for "Public Works" to the extent of only 8 per cent. That is all.

Sir, I shall now come to some of the details and examine them. The statement in the Preface will perhaps stagger some unless it is carefully examined. It appears that as a result of acceptance of the recommendations of the Committee, Government have already effected a saving of 92·97 lakhs of rupees. But as a matter of fact certain items of an extraordinary nature were added to raise the expenditure again to one crore and 58 lakhs, but it is a matter for consolation that the enhanced expenditure is purely on a temporary basis, necessary only for emergent matters. And I hope such expenditure will not appear in the next year's budget and we shall wait and carefully watch, and we expect that there will be corresponding reduction in expenditure in the next year's Budget under these heads.

Sir, I now proceed to examine the principal items of savings in Chapter IX. In General Administration, according to the Committee's recommendations, Rs. 16 lakhs and odd could be saved, but Government is of the opinion that more than 1·23 lakhs could not be saved by way of retrenchment. There may be a slight increase as a few of the items are still under examination, but on the whole not more than 10 per cent. of the recommended savings can be eventually effected. But there is an important fact which should be remembered; it is this that Government have refused to reduce the number of Secretaries, Deputy Secretaries, and Assistant Secretaries.

The savings recommended on account of the Hill exodus have been accepted to the extent of 35 per cent. only.

The recommendation for reducing the posts of Divisional Commissioners by two has not been accepted, though only the other day we saw in the newspapers that the Government was considering the question of abolishing two posts of Commissioner.

The savings recommended to be effected by reducing the number of posts in the Bengal Civil Service have not been at all accepted; on the contrary their number is going to be further increased beyond 259, which is the present number, and which is already 20 in excess of the future cadre decided upon. The total number in the Bengal Civil Service and the Bengal Junior Civil Service, according to the Committee's recommendations, should be 200 + 400 = 600, but the future number decided upon is 239 + 534 = 773, as against the existing cadre of 285 + 352 = 687. The Committee wanted to reduce the number by 37, but Government has decided to increase it by 136. The reason given is that the whole question has been exhaustively examined in all its bearings, as if the Committee did not care to do it though all the materials were placed before them. Why was not the whole question explained to the Committee by the official experts in all its bearings when the Committee inquired into the matter?

I next take up the savings under the head "Public Works (Chapter XIX)". The Retrenchment Committee estimated a saving of

Rs. 24 lakhs and odd under this head alone, but the White Paper shows that Government is able to effect savings to the extent of 1;69 lakhs only or only 7 per cent. of what was estimated. The Committee's recommendations for reducing the number of Divisions by three, abolishing the electric circle and transference of provincial roads to Local Boards were not accepted. The last was not accepted as the local bodies would require cost of maintenance, but the cost of supervision at least would have been saved to a very great extent. This was apparently lost sight of.

Sir, it will take hours to examine all the items but as the time at my disposal is very limited I now propose to conclude my speech by making a few general remarks.

Sir, it will be seen from the White Paper that many of the unanimous recommendations of the Committee were not accepted or only partially accepted for the reason that the Government did not consider the proposals practical or possible or was not prepared to accept the proposals for reasons best known to Government. No details are forthcoming as to why the recommendations were considered impractical or impossible. The column of present position also throws very little light in cases where only remarks are to the effect "Position unchanged" or "after further consideration Government considers retrenchment not possible". In these days of democracy, Sir, people's representatives cannot be satisfied with mere dogmatic assertion of this nature, that it is not possible or practicable or it is not acceptable to Government.

Sir, the Government is now a responsible Government. The Retrenchment Committee was not appointed by Government *suo moto* but was forced on Government by the vote of the Council and it comprised of eminent men like Mr. Swan, Mr. J. N. Basu, Mr. Birkmyre and Khan Bahadur Azizul Huq. I do not understand, Sir, how the recommendations of the Committee can be rejected or brushed aside by Government by merely stating that they are impractical or impossible. It will be a slur on the Committee and it would show that the Government or rather the Secretariat of the Bengal Government will have their own way in spite of what an expert committee in which the officials were fully represented might have to say. The members of the Legislature were of opinion that there was extravagance and waste in Government offices and departments and at their instance an expert committee was appointed to examine the whole position and to report and they after considering the reports of the officers concerned made certain unanimous recommendations. Now those recommendations are sent to the very officers who are to be affected by the retrenchment for opinion! And it is only natural that they will be reluctant to accept the recommendation and relying on their opinion the Government also refuses to accept the recommendations, save and except those which their subordinate officers choose to accept only for keeping the face of

the Committee. Sir, the whole thing moves in a vicious circle and is a huge farce. The ultimate decision lies with the Government against which the complaint was that it was extravagant. But fortunately the position of Government has now changed with the introduction of the Reforms of 1935. The present Government is no longer an irresponsible Government, but it is responsible for their action to the Legislature. Sir, we the members of the Legislature are not at all satisfied that recommendations of the Retrenchment Committee were all properly considered. We want to bring matters like these under the search-light of close scrutiny by our own representatives. From the materials placed before us it is not at all possible to say whether Government has not been obstinately refusing to accept many of the recommendations on no reasonable ground. The Government must satisfy us that there is good reason for not accepting or partially accepting the unanimous recommendations. The only way they can satisfy us on this point is by appointment of a Committee of both the Houses with one or two official experts for examining in details every one of the recommendations not accepted or only partially accepted. The Committee may be asked to explore further avenues of retrenchments, for example stoppage of district settlement operation. Although the subordinate staff have been discharged, there are high officials who are still holding posts, and it is for the Committee to consider whether those posts cannot be abolished now or at least cannot be amalgamated with other posts. The Committee may therefore be asked to explore further avenues on all directions. It will be graceful on the part of the Government to accept this proposal of appointing a Joint Committee of both the Houses with one or two official experts for examining in detail the whole White Paper and also for exploring other avenues as I have said before.

One point more and I have finished. Sir, while we are insisting on full effect being given to the recommendations of the Retrenchment Committee by effecting drastic retrenchments, the Government has been quietly augmenting the general administration staff on the recommendation of a single officer, Mr. Chapman, I.C.S., who was entrusted with the task of considering the demands for augmentation of clerical staff in Collectors' and Commissioners' offices. Sir, I have no objection to more clerks being employed as it will solve to some extent the unemployment problem, but the way in which it has been managed is not at all desirable. Are we to take it that the Government is not prepared to accept recommendations for retrenchment though made by a Committee of experts in which officials were also included, but they are prepared to give full effect to recommendations for creation of new posts made by a single officer? If it was absolutely necessary for Government, to make some additional appointments, they could make it on a temporary basis and could place the whole matter before another Committee, or they could have at least taken the Legislature into their confidence. Sir, why are these new posts being filled up

permanently in such haste? Do the Government want us to believe that they can go on in their own way in spite of the protests of the Legislature? Sir, the Legislature could be ignored in pre-Reform days, but the Government should know that the Reforms have brought out a change and the old order must yield place to new and the Legislature can no longer be ignored when the Ministry is now responsible to it. I finish with an appeal that the Government will accede to our request of appointing a Committee of both the Houses to examine in detail the whole question of retrenchment and also to explore new avenues of retrenchment.

Mr. LALIT CHANDRA DAS: Sir, I would like to make a few observations in this matter of the review that has been made by Mr. Blandy over the recommendations of the Swan Committee. The old Government has been replaced by the new Government and the question is whether this new Government should not have a new plan of life and a fresh outlook on things that affect us very dearly. The reaction of the present Government on the recommendations will reveal whether it is retrograde or progressive. The Swan Committee recommended a recurring saving of Rs. 1,71,93,700. Though Government reduced the expenditure by Rs. 92,97,004 there yet remained a sum of Rs. 78,98,696 to be reduced. The members of both the Houses pressed Government that further retrenchment should be made and they demanded that an Economic Committee should be appointed. Instead of appointing the Economic Committee, Government appointed a Special Officer, Mr. Blandy, for the purpose of reviewing the recommendations of the Swan Committee of 1932 and the decisions taken thereon by the Government. That officer, though under the employment of the Bengal Government, is an Indian Civil Servant and belongs to the stock of white races on earth. In Congress Governments we find something different. For instance, in the Central Provinces their Government called their own men for the purpose of suggesting retrenchments. An Indian Civil Service Officer was only their Secretary. The Congress Governments refused to allow the cry of retrenchment to be lost in the wilderness of bureaucratic unwillingness. But we forget that the Bengal Government is not a Congress Government. In 1928-29 the jute cultivators of Bengal got Rs. 47,77½ lakhs; people were then in a fairly good condition. In 1929-30 the Government booked the actual expenditure on the revenue account at Rs. 11,33,63,000. In the course of the last ten years the condition of the peasantry of Bengal considerably worsened. In 1936-37 the receipts from jute dwindled down to Rs. 17½ crores and the people's condition became miserable. But what do we see? In 1936-37 the actual expenditure on revenue account booked was Rs. 11,74,66,000. This shows that with the misery of the people there was an increase of expenditure of Rs. 40,63,000. This increase in expenditure seems to me almost criminal—on the face of

the recommendations of the Swan Committee for retrenchments which were not wholly carried out. The Swan Committee recommended reductions in the cadre and pay with its collosal annexe of allowances of the Indian Civil Service. That was four years ago. They also suggested provincialisation of some of the senior posts of Government, but objection was made by saying that this was not within the purview of the Bengal Government, that this could only be altered by the Secretary of State. We desire to know whether the old Government or the new did anything towards securing an Order in Council in their favour from the Secretary of State or from the authorities in England to get the reduction. This is the point. The point is not whether the Government of Bengal is entitled to bring about the reduction in the cadre and pay of the Indian Civil Service. The point is not what Mr. Blandy said, namely, that the Bengal Government could not do it. The point is whether when the Swan Committee actually recommended that there should be a reduction in the cadre and pay of the Indian Civil Service an attempt was made by the old or the new Government to move the proper authorities to get an Order in Council and to secure their reduction. Nothing of the sort was done. The result was that poor menials, the peons, the ministerial officers, and other subordinate officers were axed whereas we find that non-national block of public services flourished as ever with pays and allowances which would bring rebellion in any free country. The camels were swallowed but the gnats were expurged. The Swan Committee recommended reductions in the pay and number of Ministers as well as of the Secretariat and the legislative staff of the old Council. Mr. Blandy dismissed the suggestion saying that that situation does not exist. True, the situation does not exist. There is a new situation, namely, the advent of the new Legislatures, but what was actually required was that Mr. Blandy should have suggested the retrenchment in expenditure as the Swan Committee did in pay and number of Secretariat and legislative staffs of the new Legislature. If it was not within his purview, Government should have instead of entrusting the work to Mr. Blandy of reviewing the recommendations of the Swan Committee, appointed an economic committee to go into the whole question. This they did not do.

Sir, under the heading "Leave and Holidays" the Swan Committee recommended a saving of 9 lakhs of rupees. Mr. Blandy opposed it saying that the Committee arrived at such a conclusion on pure guesswork. "Brevity is the soul of wit" is an aphorism which he has most probably followed and therefore, he has made such a curt remark as this. Is it for this, Sir, that he was asked to go through and make a review of the recommendations of the Committee? I respectfully submit, Sir, that it was the duty of Mr. Blandy to actually traverse the whole field of the sources of information of the Committee and try to find out whether the figure that had been given, namely, 9 lakhs,

was correct, and if not, to suggest, at least to see if an approach could be made towards that. No such suggestion was made by Mr. Blandy. In the "General Adiminstration", Sir, the Committee recommended a saving of Rs. 16 lakhs 19 thousand 4 hundred, but the Government effected a reduction of expenditure by only Rs. 1,23,117. It is quite clear therefore, that Mr. Blandy has attempted to simply whitewash the inaction of the present Government. I cannot understand for what else was he selected unless it was for whitewashing the inaction of Government. He has done so not only in one instance but in many others which I shall presently show.

Let us, for instance, take up the question of 'Hill exodus'. Sir the Governments of Bombay, Madras and the United Provinces have given up the Hill exodus, and if Bengal had followed suit, giving up the exodus altogether, there would have been a clear saving of one lakh of rupees a year. Sir, in to-day's questions and answers, in reply to my question, the Hon'ble Finance Minister has given us a statement from which it will appear that there was an expenditure of Rs. 1 lakh and 12 thousand and odd in the year 1937 for the two trips to Darjeeling. The recommendation of the Swan Committee in this respect was that at least one trip out of the two could safely be given up, but, Sir, Mr. Blandy, the Reviewing Officer appointed by the Government, has paid no heed to this. Instead of making any such move towards giving up the Hill exodus, we find that the present Government went a step further towards incurring more expenditure by calling Committee meetings also at Darjeeling, for which certainly a very large amount was spent. This is nothing but a gross neglect of duty on the part of Government. Thus to exploit people who live on the borderline of penury and starvation is also a gross betrayal of authority.

Now, Sir, I would touch on the question of Commissioners of Divisions, and say that the five posts of Divisional Commissioners can safely be abolished, but they are flourishing still and not even two recommended by the Swan Committee were abolished. My friend Mr. Datta has exhaustively dealt with this question; I would add this much that they are but an elaboration of departmental organization. Of course, Sir, it may be argued for defending the retention of these posts, that the Divisional Commissioners are sometimes required to do certain judicial works, e.g., under Act XI of 1859, and some administrative works under the Local Self-Government Acts. Sir, these duties are few and far between. My humble submission, to obviate these difficulties is to name one of two members of the Board of Revenue as Commissioners until those Acts are actually revised to do those works. But a new argument was advanced by Mr. Blandy and that was to the effect that the posts of the Commissioners are necessary for village uplift work. This line of argument is a novel one especially invented by Mr. Blandy in his exuberance of *esprit de corps*. To look after the village uplift works, there is a host of Circle Officers; and there

are the Union Boards the Presidents and members thereof, and over them there is the directing hand of the District Magistrate. I should respectfully submit, Sir, that the retention of the posts of the Divisional Commissioners on the plea that they are necessary for village uplift work, is not at all tenable. Rather I should submit that the savings on the abolition of these five posts of Divisional Commissioners will amount to about 3 lakhs of rupees, and this saving will go a great way to uplift the people of Bengal.

Sir, I would next refer to the pay that is given to the provincial service officers. To my mind, the pay of the provincial service officers —both Judicial and Executive—should begin at Rs. 150 per month and end at Rs. 500. That is also the recommendation of the Central Provinces Government, and they have recommended that under no circumstances should any of these officers get a maximum of more than Rs. 500.

The Hon'ble Mr. NALINI RANJAN SARKER: What about the pay in the Madras Government Services?

Mr. LALIT CHANDRA DAS: I am coming to that.

In fact the supply of efficient men is so very plentiful in these days —and they can be obtained on a scale of pay which I have suggested that they can be appointed without any lowering in the efficiency of the services. The Hon'ble Finance Minister was drawing my attention to the pay paid by the Madras Government. In Madras a heavy cut in the salary of officers has been effected; 5 per cent. in the case of those drawing a salary of Rs. 200 and less, up to 30 per cent. in the case of those drawing Rs. 1,000, and above. Such is the position there.

The Hon'ble Mr. NALINI RANJAN SARKER: What about the starting pay in the case of the officers of the Provincial Service, that is what I want to know?

Mr. LALIT CHANDRA DAS: Even though the starting pay there is more than what I suggested just now, it can be tolerated, because of the fact that they have effected a cut in the scales of pay and also of the fact that in Madras the total collection of revenues is Rs. 4 crores more than the revenues of Bengal. And so what Madras cause of the fact that they have effected a cut in the scales of pay of the Provincial Services—Judicial as well as the Executive—to meet the ends of justice and economy. Sir, we find that in the "Administration of Justice" the Swan Committee recommended a cut of 6,82,000 rupees but only half of this amount was actually reduced by way of retrenchment. Sir, if an economic committee is actually

appointed to go into the whole question as to whether such a huge number of Judges are actually required, I am quite sure that they will report that half the number can safely be retrenched.

Sir, as a result of the institution of the Debt Settlement Boards in the *mofussil*, work in courts has considerably been reduced. In fact, there are several Judges sitting without any work for two or three hours a day. This is a thing which Government must thoroughly examine.

Now, turning to the Public Works Department which is more aptly described as the Public Waste Department, we find that the Swan Committee recommended a saving of Rs. 24,37,200, but the saving actually effected by way of reduction is only Rs. 1,69,239. And as my friend Mr. Datta pointed out, although the suggestion was for reducing the number of Divisions from ten to seven, the Government has not done it. Had they done so, the saving would have amounted to at least Rs. 5,27,200. The reason that has been adduced for not doing so is really funny. It is stated "the increase in work particularly on roads will probably necessitate the employment of more officers". On this probably remote chance of the increase in work the Government could not make a saving of Rs. 5,27,200.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Why "probably" only?

Mr. LALIT CHANDRA DAS: Then, Sir, I would next refer to "Police". In regard to this, the Swan Committee recommended a saving of Rs. 11,12,000. At the time when the recommendation was made, our province was passing through stormy days. Now, I respectfully submit, and I hope there will be no contradiction of this fact, that peace now reigns in the province. If a new economic committee is now started, then, I am sure they will be able to place facts and figures before us which will go to show that much more than Rs. 11,12,000 can be saved under the heading "Police". Now there is no reason why the district Criminal Intelligence Officers should be retained any longer. There is no work for them. It is sheer waste of public money. Also the posts of the five Range Deputy Inspector-General of Police and those of the Additional Superintendents of Police can safely be abolished.

Then, Sir, the Committee also recommended the abolition of the Bengal Police Service (B. P. S.) and the replacement of that service by Senior Inspectors. The number of Deputy Commissioners of Police and the sergeants can surely be considerably reduced. The Railway Police should be linked up with the District Police. But Mr. Blandy, who was entrusted with the work of review, did not think it worth while to encourage Government to go to that length and give effect

to the said recommendations of the Committee, and I have no doubt that the present Government would be only too glad to dance to the tune of Mr. Blandy.

Sir, the Swan Committee recommended that the post of the Inspector-General of Registration should be amalgamated with that of the Commissioner of Excise, and there is no reason why Mr. Blandy should say "no". Even this reasonable recommendation for doing away with the post of the Inspector-General of Registration is in peril. I have to say so because the new Government has not yet taken any action on that.

The Swan Committee, Sir, recommended under the heading "Land Revenue" that no major settlement operation should be undertaken, but the speech of the Hon'ble Sir Bijoy Prasad Singh Roy, the Minister in charge, delivered the other day in this House foreshadowed the resumption of major settlement operations,—I should think simply for the purpose of absorbing the dismissed kanungoes.

Sir, under the head "Forests" the post of the Second Conservator of Forests, if abolished according to the Committee's recommendations, would bring in a saving of Rs. 55,200. The recommendation was accepted by the old Government. But, Sir, that post has been revived by the present Government only with the argument that it is necessary. But we know that the necessity is nothing but a lame excuse and has the odour of time-worn plea. Necessity, Sir, is the tyrant's plea.

In "Irrigation," we have got to face the unpleasant fact that three superfluous dredgers, viz., the "Ronaldshay," the "Foyers," and the "Cowley," have got to be maintained at a great cost. It was understood that these dredgers would be done away with. Now, Sir, it is said that buyers are not forthcoming, and to maintain these dredgers we have to incur unnecessary expenditure. If really the Government is unable to find any buyer, why not make a present of them to the Indian Mercantile Marine Department? On a previous occasion, Sir, I requested the Hon'ble Minister in charge of Irrigation whether he would be kind enough to lend one of these dredgers— "Ronaldshay"— for dredging away the silt which had accumulated on the bed of Titash at Akhaura, but he refused. I submit, Sir, that no serious effort has been made up till now to sell these dredgers, which are in the nature of white elephants. I would ask once again what is the use of maintaining these useless dredgers entailing a recurring expenditure for their maintenance?

The Committee recommended, Sir, the reduction of nine officers in the Indian Service of Engineers, and to fix the cadre at a total strength of twelve instead of twenty-three and thus effect a saving of at least

Rs. 75,000, but this was not done. Again, Sir, by the amalgamation of certain Divisions, a saving of Rs. 1,15,500 could be effected, but this recommendation, too, was not accepted.

The cost of maintenance of the embankments is heavy. Science supports the fact that these embankments are unnecessary and that they obstruct the natural flow of water. Whenever there is any flood, these embankments break down with the result that great misery is caused to the people of the locality by the havoc played by these floods. Cattle and crops are destroyed and people are rendered homeless and helpless. Sir, if these embankments were demolished, then Government would be saved a large sum of money, for then there would be no necessity for maintaining them and no necessity also for spending funds in the way of gratuitous relief as then these floods would not occur. Government, however, has not followed up the advice of experts in this matter, as it should have done.

Sir, Mr. Blandy's review of the recommendations of the Swan Committee——

Sir E. C. BENTHALL: On a point of order, Sir. The subject-matter of discussion is the review of the recommendations of the Retrenchment Committee, 1932, and of the decisions taken thereon by Government, but I find, Sir, the hon'ble member is always referring to Mr. Blandy personally and not to Government as a whole. Is he in order, Sir?

Mr. LALIT CHANDRA DAS: So far as the decisions in column 7 are concerned, I take it that they are the remarks of Mr. Blandy which are followed by Government.

The Hon'ble Mr. NALINI RANJAN SARKER: That is not a fact. They are the decisions of Government. They have been drafted by Mr. Blandy and approved by Government.

Mr. LALIT CHANDRA DAS: That will suffice for my purpose. We know that Mr. Blandy has been appointed for the purpose of reviewing the recommendations of the Swan Committee and his review is in column 7 although it may be accepted by Government. If there is any blame, he must share it with the Government. Mr. Blandy's review of the recommendations of the Swan Committee and the decisions taken thereon by Government are in my view both unsatisfactory and unacceptable. What I suggest is that a new economic committee be appointed consisting of members of both the Houses for the purpose of reviewing the suggestions of the Retrenchment Committee of 1932, for looking into the Secretariat staff of the present Legislatures and for looking into the question of cadre and pay of the Indian Civil Service

and all other questions. That committee may very well suggest further retrenchments. Such a committee, if appointed, can cut through the hard overgrowth of degenerate fat and flesh and can tackle all these questions from all points of view regardless of the frowns or favours of the powers that be.

Mr. NUR AHMED: Sir, may I with your permission make some observations on the matter under discussion? In India the Britishers have introduced a system of administration which is one of the costliest systems in the world in spite of the appalling misery and poverty of the masses. Though from time immemorial the cry for retrenchment in the cost of administration has been raised by every Indian whether in this House, on the platform or in the Press, it appears that Government is callous and indifferent to the ever-growing cry of Indians for retrenchment. Soon after the introduction of the Montagu-Chelmsford Reforms there occurred huge deficit in the budget of the Bengal Government, and this Government had to appoint two Retrenchment Committees, one with an Indian Chairman, the late lamented Sir Rajendra Nath Mookerjee, an illustrious son of Bengal. That Committee, as far as I remember, recommended a total recurring saving of Rs. 1,65 lakhs but in the meantime the deficit was made up by the imposition of new taxes in the shape of increased stamp, court-fee duties, etc., and by securing remission of Bengal's contribution to the Central Government. No serious attention was paid to the recommendation of this Committee.

Again in 1932 when there was world-wide trade depression and serious economic crisis resulting in the sudden big drop in the receipt sides of Government, another Committee was appointed with a civilian who had inner knowledge of the working of the administration, as the Chairman. That Committee we find in this White Paper recommended a saving of Rs. 1,92,000 and odd but up to this time only Rs. 92,97,000 had been made by the previous Government and Rs. 2,40,000 by the present Government. The previous speakers have dwelt at length on the recommendations of this Committee and on the action taken by Government thereon and it will be mere waste of time if I were to take the time of the House by speaking on them again.

My only submission to the Hon'ble Finance Minister who has the reputation of being an expert financial adviser is that, as we have now a responsible government, we expect much from him. I expect him to leave a brilliant record in his department. I am only drawing his attention to one item in the Swan Committee's Report. That Committee recommended unanimously reduction in the present scale of travelling, motor, house allowances, etc., but it appears that nothing

substantial has been done by Government so far. May I suggest to the Finance Minister that there is much scope for effecting a saving in the cost of administration?

There is another matter which the Swan Committee recommended, namely, reduction in the cadre of the Bengal Civil Service and the Bengal Junior Civil Service but as my friend Khan Bahadur Muazzamuddin Hosain has shown, instead of effecting reduction, the number has been increased. I find that no explanation has been given as regards that.

The Swan Committee also recommended reduction in the pay of all posts drawing a salary of more than Rs. 80 a month but I find that nothing has been done in this direction but still there is scope for further retrenchment.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I have listened with great attention to the various remarks made by the different members on the White Paper which we have circulated. First of all I want to make it clear that the Swan Committee sat at a time when it was absolutely necessary to balance the budget and also to show to the proper authority the real financial position of Bengal to get redress from that authority. I think those circumstances are not prevailing now.

The Swan Committee had to propose the postponement of many beneficent expenditure also in order to balance the budget but that stage I say is over.

Every member has emphasised the need for retrenchment or at least for giving effect to all the recommendations of the Swan Committee. Perhaps if I had not occupied this seat, I also would have made similar observations but things change when one takes the responsibility. I can inform you that the Secretary of the Swan Committee, Mr. Haldar, made certain recommendations for retrenchment in that Committee. Those very recommendations Mr. Haldar refused to accept when he was made the Excise Commissioner. One hon'ble member mentioned the name of Mr. Azizul Huq. My information is that whichever recommendation he made as a member of the Swan Committee, he found it very difficult to give effect to when he was the Education Minister. I am not saying these things as a criticism of their action but certainly these are the things which happen every day.

If things could move so swiftly as the eloquence of my friend Mr. Lalit Chandra Das, it would have been quite easy, but it is not easy to reduce expenditure by a stroke of pen. You want a democratic government and you must know that democracy is the most expensive form of government. You will not be able to reduce expenditure.

There may be a demand for reduction of expenditure collectively but when individual items are concerned, you cannot give effect to retrenchment proposals. So it is not possible to reduce expenditure in a democratic government even if another Committee or ten more Committees are appointed.

So far as the review of the recommendations of the Swan Committee is concerned, it is not Mr. Blandy's decision as I have already said, it is the decision of the respective Ministers of the departments concerned. Mr. Blandy sent his opinion on the recommendations of the Swan Committee to the proper departments and the Ministers along with their expert advisers considered it and the decisions they arrived at are recorded here. In some of the big items I myself have reviewed the decisions of the department concerned, and I have found that it is not possible to effect economies in those directions.'

So far as the question of the abolition of the posts of Commissioners is concerned we have got our proposal and we are examining the question from other points of view. Mr. Datta has said "why not reduce the cadre of Civil Service and if the Secretary of State has to be approached why not provincialise it." I have not been able to understand his position. Under section 244 of the Government of India Act of 1935 in terms of which we are running the administration the recruitment to superior services is in the hands of the Secretary of State. If we cannot reduce the cadre I do not know how we can provincialise it.

Mr. Lalit Chandra Das has given example of the Congress Governments in other provinces. I have not heard that in any Congress province the cadre of the Civil Service or the cadre of other Imperial Services has been reduced or their pay has been reduced. So far as my information goes, their position is exactly like ours.

Mr. HUMAYUN KABIR: They are trying for reduction.

The Hon'ble Mr. NALINI RANJAN SARKER: They are not thinking of it now; they will think of it four years hence. I have got this information from friends in those provinces. My friends here are simply assuming that they are doing it. As you remember when the Madras Government first took up office, Mr. Rajagopalachariar made a request to the members of the Services to make a reduction voluntarily. Why did he do so? Because under the Government of India Act of 1935 they could not make any cut in their salary. They did not do it and they did not do it because the members of the Services did not agree to voluntary reduction in their salary. We did not ask for voluntary reduction. So far as reduction is concerned, we are in the same position as the other Congress Governments, but we can take the credit that our previous Government reduced the expenditure to

such an extent that even the Congress Governments could not—they have not been able to come up to the standard of Bengal—percentage of five to three reduction.

So far as the salaries of the executive and judicial officers are concerned, even after 30 per cent. reduction they have to start on Rs. 230 in other provinces while according to the reduction effected by our predecessors the members of Executive Service start on Rs. 150 and those of the Judicial Service on Rs. 175.

It may be wrong but it is certainly less than what the Madras Congress Government is actually giving. Then, Sir, my friend, Mr. Das, said that because the revenue of Madras is more, they will pay more to their officers. But I say, Sir, that that theory is not tenable, and according to his standard, if that is so, then we ought to raise the starting salary of our provincial executive service to much more than Rs. 150, making a comparison with the Central Province's revenue, which is less than Bengal's. So these speeches are mere Opposition arguments. If my friend Mr. Das assumes the responsibility which I hold, then, I am sure, he will certainly do the same thing which I am doing now.

Mr. BANKIM CHANDRA DATTA: Probably not.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, probably not. probably much worse than what I am doing at present.

Then, Sir, we are charged that we are carrying on the administration exactly in the same way as the previous Government used to do. In some cases I admit it, e.g., if the previous Government used to calculate 5 *plus* 7 as 12, we are also calculating in the same way, viz., 5 *plus* 7 as 12. And if those who have a broader outlook of things and who charge us that we are following in the foot-steps of the previous Government, occupy the Treasury Benches, probably they will calculate 5 *plus* 7 as 14! So far as we are concerned we are following in the foot-steps of our predecessors, who used to count 5 *plus* 7 and got an answer of 12. In these matters of administration we are in very good company because we are doing the things exactly in the same way, at least in some cases in a better way, than what the Congress Governments in other provinces are doing.

Moulana MUHAMMAD AKRAM KHAN (in Bengali): What about the Calcutta Corporation which is nearer home?

The Hon'ble Mr. NALINI RANJAN SARKER: I do not in this connexion want to bring into the scene the administration of the Calcutta Corporation, because the facts are too well-known to you all

What you are doing over there, we are doing exactly here, because in a human institution you must do things in the same way. You say that this Government is showing favouritism; you charge this Government with nepotism.

Mr. BANKIM CHANDRA DATTA: Mr. President, Sir, is it relevant in a discussion like this to bring in matters relating to the administration of the Calcutta Corporation?

Khan Bahadur NAZIRUDDIN AHMAD: Everything is in order except the affairs of the Calcutta Corporation!

The Hon'ble Mr. NALINI RANJAN SARKER: I will not refer to the Corporation, Sir. All that I want to place before the House is this, that we do not claim that we are doing everything with absolute perfection but what we are doing here and now, other human beings also would have done had they been in our position. I do not claim that we are doing what a Napoleon or an Akbar would have done. We are doing what others in other provinces are doing and I do not think that the members opposite when they occupy our benches, would be able to do more than what we are doing here. When they will be faced with facts and figures they will find that it will not be possible to demolish or abolish the posts of Divisional Commissioners within two minutes in the same way as they talk and finish their speeches of criticism in one and a half or two minutes here in this House.

Sir, I do not want to go item by item through the various remarks made by the various speakers. But in one or two instances I am impelled by a desire to dispel the doubts in the minds of the hon'ble members. Mr. Datta has said that according to the recommendations of the Swan Committee the post of the second Conservator of Forests was abolished by the previous Government but that we, the present Government, have appointed a Conservator in that place. Of course we have appointed one but that is only temporary, because it is absolutely necessary to give effect to our idea of increasing the revenue of the Forest Department and for this purpose we are taking over the private forests for administration by Government themselves. For that experimental work we though it fit to appoint temporarily one Conservator.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of information, Sir. Is it for the benefit of the Government that private forests are being taken over, or is it for the benefit of the landlords?

The Hon'ble Mr. NALINI RANJAN SARKER: It is for the benefit of the Government as well as for the benefit of the province as a whole.

Mr. HAMIDUL HUQ CHOWDHURY: How does it benefit the province?

The Hon'ble Mr. NALINI RANJAN SARKER: These questions can as well be reserved for the next Budget Session, as they find no place here. We are convinced that it will benefit the province for Government to take over the charge of private forests.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of information, Sir. Is it not a fact that these forests are declared as Government forests under the Forest Act simply for the purpose of driving out those people who have acquired occupancy rights and become tenants in those places?

The Hon'ble Mr. NALINI RANJAN SARKER: No. It is for the improvement of forests.

In conclusion, Sir, I say that whatever is possible, we shall not spare ourselves to reduce expenditure, but at the same time, we shall not, I believe, be expected to work miracles, because, as I have already said, it is not possible to retrench very much in a democratic Government. We have taken charge of the administration for about sixteen months and you yourself know how much expenditure you yourself have voted for incurring expenditure and it is bound to be increased. Where there was only one House, there are now two Chambers of the Legislature. There were only 140 members in the old Legislative Council which was the only House, but we have now 250 members in the Assembly alone, and another 63 in this House. So far as questions, resolutions and bills, etc., are concerned, it means a lot of expenditure for only printing the same for both the Houses, not to speak of expenditure that has to be incurred for the staff, etc. In addition to this additional expenditure, as a responsible Government we have got to increase the activities of the various social services, and expansion of social services means increased expenditure. I do not think therefore that there is much scope for retrenchment. No doubt it is true that we are trying to effect retrenchment in all directions as far as possible but there is not so much in this direction by which with the savings effected we can finance the nation-building departments. No doubt there will be some permanent reduction in expenditure when the Services and their remunerations and conditions come under our control, and so far as that matter is concerned, it will come up for review after five years and for that we are collecting information, preparing our case, and when the time comes, this Government will not lag behind in placing before the Secretary of State our case for reduction of the cadre, reduction of emoluments for the future entrants, and so on and so forth.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of information, Sir. I must admit that I could not understand the figures given in the Preface. Will the Hon'ble Finance Minister be pleased to explain those items of figures marked 'A', 'B', 'C', etc.?

The Hon'ble Mr. NALINI RANJAN SARKER: It has been made clear in the Preface, but if the hon'ble member could not understand the same and wants to discuss the matter with me, I shall be only too glad to explain it if he will be kind enough to come to my room.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, I feel I shall be guilty of lack of candour if I do not say that those who have a stake in the province will feel uneasy over what the Hon'ble Finance Minister has just now said with reference to the posts of Divisional Commissioners.

Sir, we feel that the Commissioner does exercise a healthy and sobering influence over his Division; he co-ordinates and standardizes the works of the different districts in his Division. Nowadays the districts seldom get senior and experienced members of the Civil Service as Magistrates and Collectors I think it is necessary that there should be a Commissioner at their head to guide them and formulate and initiate a progressive common policy to benefit the people at large. Before the Finance Minister takes any action in the matter—he has indicated just now that he is contemplating action—he should take into his confidence men whose opinion really counts in a matter like this. Nothing should be done in a hurry. After all, by the abolition of the posts of Commissioners the Finance Minister cannot hope to save more than two to three lakhs of rupees—that is merely a drop in the ocean! On the other hand, it must not be forgotten that an institution which has satisfactorily worked so long must be given a chance to do better work and to show greater efficiency under the new Constitution. Then again, if these posts are abolished, who will hear the very important appeals, which the Commisisoners now hear? Will such appeals, after the abolition of the posts of Commissioners, lie with the civil courts? The expenditure in that case will be great and the process by which justice will be administered will naturally be dilatory. Those who at present seek justice at the hands of the Commissioners will find it extremely difficult to get that justice in the civil courts as many will not be able to incur the necessary expenditure for having such appeals decided in a civil court. I would, therefore, request the Hon'ble Finance Minister to take every aspect of the question into his consideration, to weigh the reasons for and against, such as there may be, very carefully in the balance before he yields to any artificially created pressure to bring about a sudden change in the existing administration.

As regards Mr. Blandy, I do not know whether he would be glad or sorry to hear that his laborious work has been characterized to be in the nature of a report of the works done by the Hon'ble Ministers themselves!

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I hope the Maharaja Bahadur will not accuse me by saying that I am doing things in hot haste. We are considering the question from every aspect and so far as the question of efficiency is concerned, certainly we shall not propose to abolish those posts if we feel that efficiency will be lowered; but so far as the protection of the rights of the vested interests is concerned, there is no machinery which can protect it except the Secretary of State, and if the Commissioners' posts are so necessary in the interests of the vested interests, I think the proper quarter to be moved is the Secretary of State.

Then, Sir, he said that I should not do anything under pressure. Sir, if I am myself not convinced, certainly I will resist all pressure that may be brought to bear upon me. But I have also got the sense of responsibility in that I am after all a popular Minister. If the House in a majority say that they must have this done, certainly I will not consider it to be a pressure but I shall consider that I, as a popular Minister, am bound to respect their opinion and give effect to their wishes. But if at any time I feel that though it is their wish and I cannot conscientiously act according to that wish, then the next thing that I shall do will be to vacate my office leaving behind those things which I could not do to be done by the Legislature.

Khan Bahadur MOHAMMAD IBRAHIM addressed the House in Bengali. The following is the English translation of his speech:—

Sir, of course, there has been enough discussion about the reduction of expenses. I do not want to say anything on that subject.

Mr. PRESIDENT: No speech can now be allowed on that.

Khan Bahadur MOHAMMAD IBRAHIM: I want to put a question about another matter. Just now I have come to know that a conference will be held at Jalpaiguri to consider about the recent flood-stricken areas and that a large number of members of the Assembly have been invited to it. I want to ask this question: who will pay them the travelling allowance for this trip to Jalpaiguri to attend the conference? Whether any travelling allowance will be paid by the Government? Whether members of this House have also been invited along with those of the other House? All the members are now in Calcutta. We do not see why in these circumstances it is necessary to call the conference at Jalpaiguri.

Hon'ble Mr. NALINI RANJAN SARKER addressed the House in Bengali. The following is the English translation of his speech:—

Sir, I do not know whether a conference like this has actually been called at Jalpaiguri. Even if the conference is held there, I cannot say anything just now as to whether members, who will be going there, will charge any travelling allowance or not. But, on behalf of the Government I can say this much that Government will not perforce pay any travelling allowance unless the members charge it for paying a visit to the flood-stricken area.

Mr. PRESIDENT: I have received a communication from Government, that His Excellency the Governor of Bengal has been pleased to direct that non-official Bills shall be taken up in the Bengal Legislative Council on the 22nd August, 1938. As there will be no time to issue circulars, I may inform the House that the time for ballot for determining the priority of non-official Bills will be at 11-30 a.m., to-morrow in the Secretary's room.

Adjournment.

The Council then adjourned till 2-15 p.m., on Monday, the 22nd August, 1938.

Members absent.

The following members were absent from the meeting held on the 19th August, 1938:—

(1) Baksh, Mr. Kader,
(2) Dutta, Mr. Kamini Kumar,
(3) Hossain, Mr. Mohamed,
(4) Karim, Khan Bahadur M. Abdul,
(5) Khan, Khan Bahadur Muhammad Asaf,
(6) Lamb, Mr. T.
(7) Mookerji, Dr. Radha Kumud,
(8) Ormond, Mr. E. C.,
(9) Roy, Rai Bahadur Radhica Bhusan,
10) Sen, Rai Sahib Jatindra Mohan.

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BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 22nd August 1938, at 2-15 p.m., being the ninth day of the Second Session, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

Government Publicity in the Press.

65. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Publicity Department be pleased to state—

(*a*) whether it is a fact that a certain amount of money has been allotted in this year's Budget for the purpose of publicity in the Press;

(*b*) if so, under what head in the Budget Estimates has such expenditure been placed; and

(*c*) the newspaper or papers that are to get or have already got such publicity work?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Minister in charge of the Publicity Department): (*a*) Yes.

(*b*) 25—General Administration.

(*c*) All important newspapers in Calcutta and the *mofussil* are supplied with materials from time to time.

Mr. RANAJIT PAL CHOUDHURY: What was the amount set apart for such publicity work in the Budget?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the hon'ble member to the Supplementary Budget Estimates of this year to get the information required by him.

Mr. RANAJIT PAL CHOUDHURY: It is not with us here and now.

(No reply.)

Mr. RANAJIT PAL CHOUDHURY: What are the names of the papers that get such publicity work?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the hon'ble member to my answer to part (*c*).

Mr. RANAJIT PAL CHOUDHURY: May I submit, Sir, that the names of the papers are not down in the answer to part (*c*), which I want to know from the Hon'ble Minister?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All the papers that are considered important get such publicity work.

Mr. RANAJIT PAL CHOUDHURY: Is the *Ananda Bazar Patrika* given any publicity work?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I believe so.

Mr. RANAJIT PAL CHOUDHURY: Is the *Advance* given any publicity work?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I believe so, Sir.

Director of Land Records.

66. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister in charge of the Revenue Department kindly state—

(*a*) the reasons for retention of the post of Director of Land Records as a whole-time officer at a time when the district settlement operation has been stopped;

(*b*) the reasons for retention of a highly paid officer for Land Revenue Settlement at a time when Land Revenue Settlement programme has been substantially reduced;

(*c*) whether for the reasons stated in parts (*a*) and (*b*) above, the ministerial and the menial staff as well as the supervising staff of the Survey and Land Revenue Department has been substantially reduced, and if not, why not; and

(*d*) whether the Government propose to reduce its expenditure on Survey and Settlement operations substantially as the district settlement operations have been stopped, and if so, from which year?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) It is not correct to say that district settlement operations have been stopped. Nor has there been any appreciable decrease yet in the amount of work required to be done by the Director.

(*b*) Due to reduction of the programme, one of the two posts of L. R. S. O. has been abolished. The holder of the remaining post is also in charge of the major settlement operations in the district of Howrah.

(*c*) Reductions have been made having regard to the work in hand.

(*d*) Does not arise.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: With reference to answer to clause (*a*), will the Hon'ble Minister be pleased to state whether Dinajpur is the only district in which settlement operations are going on?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, it is going on in Dinajpur, part of Rangpur, and Howrah.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is not Dinajpur the only district in which the settlement operations are going on in full swing?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, they are also going on in Howrah.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that only recovery work is going on in Howrah?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think that is also "full swing".

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No such thing is going on there. Only the collection of costs is going on.

Khan Bahadur ATAUR RAHMAN: How many districts were under operation in normal times, I mean five years ago?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It used to be on three-party basis before. Now it is on two-party basis.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is now going on on one-party basis. In Dinajpur there is only one party.

Khan Bahadur ATAUR RAHMAN: Is the new cadastral survey being taken up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not at present.

Khan Bahadur ATAUR RAHMAN: Is it not possible to amalgamate this post with some other post?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not at present.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If there has not been any appreciable decrease in the amount of work required to be done by the Director, is it in the contemplation of Government to appoint an additional Director?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not think that question arises out of the answer to this question, because Government decided not to proceed with the revisional settlement of both the districts together.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is the reason why the work has decreased, I say. So is not the Government thinking of reducing the overhead charges, I mean the overhead charges of the office of the Director of Land Records, etc.?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That question will arise when there will be an appreciable decrease in the work. But as I have stated already, the work has not yet appreciably decreased, so the reduction of overhead charges, etc., is not yet under the consideration of Government.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As only one-party operations are going on in place of three. is it not a reduction in the normal work?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in some of the districts, they are in the closing stage and the Director of Land Records has got to supervise all sorts of works including the operations that are going on in Dinajpur and the closing stage work in Howrah, namely, recovery.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Is the Hon'ble Minister aware that in addition to the three-party settlement, there are two or three other settlements that are in closing stages?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Khan Bahadur ATAUR RAHMAN: Is it not a fact that the apportionment of this overhead charges will fall very heavily on Dinajpur district on account of its being the only one district where settlement operations are going on in full swing?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May be so, Sir.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Does the Hon'ble Minister realize that of such heavy charges 85 per cent. will fall on the poor tenants and landlords?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No doubt the costs are realised from the tenants and landlords, but Government also contribute proportionately.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Not a fair proportion—only 15 per cent., which is nothing.

Report on the Administration of Bengal, 1935-36.

67. **Mr. NARESH NATH MOOKERJEE:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether the Government of Bengal share the opinions expressed in Part I of the Report on the Administration of Bengal, 1935-36; and

(*b*) if not, why no note to this effect has been inserted in a publication which is described as having been published under the authority of the Government of Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) This report was published on 29th March, 1937, before the present Government assumed office and this Government are therefore not responsible for or concerned with any opinion expressed therein.

(*b*) Does not arise.

Berhampore Silk-Weaving Institution.

68. **Rai BROJENDRA MOHAN MAITRA Bahadur (on behalf of Raja Surendra Narayan Sinha Bahadur:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that

there is a Silk-Weaving Institution at Berhampore in the district of Murshidabad and also one at Serampore?

(*b*) Is the Hon'ble Minister also aware that the ex-students of Serampore Government Weaving School do get loan from the Government to start business, but the same privilege is not granted to ex-students of the Berhampore Silk-Weaving Institution?

(*c*) Will the Hon'ble Minister be pleased to state the reasons for such differential treatment between the students of the Serampore School and those of the Berhampore School in the matter of getting loans from Government to start business?

(*d*) Does the Hon'ble Minister propose to extend the same privilege to the students of Berhampore Weaving Institution also?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Agriculture and Industries Department): (*a*) and (*b*). Yes.

(*c*) and (*d*) I am considering the question of granting loans to ex-students of Berhampore Silk-Weaving School.

Mr. NARESH NATH MOOKERJEE: Is it a fact, Sir, that in the case of recent appointments made in the Industries Department, the students from the Berhampore Silk Weaving Institution were religiously excluded, I mean from the point of view of religion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I would ask for notice, Sir.

Medical help to snake-bite cases.

69. Rai BROJENDRA MOHAN MAITRA Bahadur (on behalf of Rai Surendra Narayan Sinha Bahadur): (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that every year during this season some deaths occur due to snake-bite?

(*b*) Are the Government aware that this year also in neighbouring places where floods have occurred, snakes are harbouring and snake-bite cases are reported?

(*c*) Do the Government propose to keep at thanas, sanitary inspectors' office and Union Boards, "Lexine" and such other patent medicines as antidotes to snake-bite cases, to save the lives of the people of rural areas as far as possible?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes.

(*b*) No special report to this effect has reached Government.

(*c*) The consideration of the question as to whether any step of the nature proposed by the hon'ble member should be taken does not arise, as Government are not aware of any patent medicines being efficacious for the treatment of snake-bite cases. They are advised that the drug known as "Lexine" has been tested, but that its efficacy has not been proved.

Mr. NARESH NATH MOOKERJEE: Arising out of the reply to part (*c*) of the question, is the Hon'ble Minister aware that owing to recent heavy floods in Bengal, the question of an immediate decision from Government has become very necessary as to the distribution of medicines or patent medicines to combat snake-bite, because, Sir, very serious and fatal cases have been reported from these flooded areas?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, no special cases or serious cases have been reported to us. We have been reading in the newspapers that snakes take shelter along with human beings in places affected by floods, but it is providential that these snakes do not bite human beings!

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister be pleased to state if he has made any special efforts to find out whether any fatal cases have occurred or is it merely his own view?

The Hon'ble Mr. H. S. SUHRAWARDY: I expect that if a fatal case had been reported, the information would have been conveyed to Government; it is not for Government to try to find out cases by a running enquiry.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to part (*b*) of the answer, will the Hon'ble Minister be pleased to state what is meant by "special reports"?

The Hon'ble Mr. H. S. SUHRAWARDY: It is very difficult, Sir, to paraphrase such a simple English expression. "Special" means special and "report" means report. "Special reports" mean special reports.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to part (*c*), of the answer, will the Hon'ble Minister be pleased to state by whom "Lexine" has been tested?

The Hon'ble Mr. H. S. SUHRAWARDY: By the School of Tropical Medicine.

Mr. HAMIDUL HUQ CHOWDHURY: Arising out of answer to part (*c*) of the question, will the Hon'ble Minister be pleased to state as to whether its efficacy has been proved or has it been disproved?

The Hon'ble Mr. H. S. SUHRAWARDY: I would rather state that the hon'ble member had not been put this question, because this House ought not to be a medium either for the purpose of advertising a patent drug or for the purpose of detracting from its utility; I thought that the mildest method of stating its result was to put in the manner I have put.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to parts (*a*) and (*c*) of the answer, will the Hon'ble Minister be pleased to state whether the Government are contemplating investigation to supply some kind of medicines for meeting the exigency out of snake-bite in Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: Something is being done from time to time and something is being supplied. There is no antidote. Potassium permanganate and anti-vexene are medicines which are to be found in local dispensaries and hospitals. If the hon'ble member thinks that every house in Bengal should be supplied with patent medicines for the treatment of snake-bite or every villager should be supplied with medicines, I think it would be rather a difficult commitment for Government to undertake. So far as Lexine is concerned, though it has not been called for, I propose to investigate into the matter further.

RAI KESHAB CHANDRA BANERJEE Bahadur: With reference to part (*b*) of the answer, will the Hon'ble Minister be pleased to state whether his attention has been drawn to newspaper reports published this month regarding the snake-bite cases?

The Hon'ble Mr. H. S. SUHRAWARDY: My attention has not been drawn.

Casual leave to permanent copyists of the Registration Department.

70. Mr. SHRISH CHANDRA CHAKRAVERTI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether in answering the question No. 275 (*c*) on the 22nd March, 1938, and question No. 285 on the 25th March, 1938, put in the Bengal Legislative Council regarding the casual leave of the permanent

copyists in the Registration Department, he stated that in general cases the Government servants are to make up the arrears of work accumulated during their casual leave period?

(*b*) Will the Hon'ble Minister be pleased to state whether the Clerks on Bench in court offices are relieved immediately by the leave reservists or substitutes when they avail themselves of casual leave?

(*c*) If the answer to clause (*b*) be in the affirmative, why the permanent copyists are not relieved by the leave reservists or substitutes and allowed to enjoy the casual leave absolutely free from any condition?

(*d*) Will the Hon'ble Minister kindly state whether in answering question No. 254(*c*) on the 21st March, 1938, put in the Bengal Legislative Council, he said that "some time is spent in comparing", and is it a fact that there are no comparing clerks provided in the Registration Department as is done in the civil and criminal courts?

(*e*) Is the Hon'ble Minister aware that the copyists of the Registration Department are always to compare the work themselves without any remuneration?

(*f*) If the answers to clauses (*d*) and (*e*) be in the affirmative, does Hon'ble Minister propose to take any steps to provide such comparing clerks in the Registration Department as is provided in the civil and criminal courts?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) and (*c*) Yes, but this is a special arrangement in the case of Bench Clerks only, since the work of the courts cannot go on without the immediate substitution of the Bench Clerk. The general condition attaching to all cases of casual leave, however, is that deficiency of work during such leave should be made good during subsequent period and this rule applies to all Government servants in general including the copyists of the Registration Department.

(*d*) Yes. No separate comparing clerks are employed in the Registration offices and the work of comparing is done by the Muharrirs and extra Muharrirs themselves. There is a separate staff for comparing work in the offices of Collectors and District Judges.

(*e*) No. In the case of copyists and Muharrirs in the permanent service of Government in the Registration Department, their duty includes both copying and comparing. In the case of outsiders employed at piece work rates, such rates have been fixed in consideration of both copying and comparing work and no extra payment is made for comparison.

(*f*) The question raised by the hon'ble member will be duly considered.

Dismissal of a teacher of the St. Thomas's School.

71. Khan Bahadur ATAUR RAHMAN: (*a*) Is the Hon'ble Minister in-charge of the Education Department aware that an assistant teacher was dismissed by the Principal of St. Thomas's School on the 12th December, 1936, because the teacher concerned asked for holiday on the 16th December to attend the *Id* prayer?

(*b*) Is it a fact that the Principal not only refused the leave but remarked "choose between religion and job and decide which should come first" and are Government aware that this incident took place on the 10th December, 1936, and the order of dismissal was passed on the 12th December, 1936?

(*c*) Is the Hon'ble Minister aware that the School Committee rejected his appeal?

(*d*) Does the school get any grant-in-aid?

(*e*) Is it exempted from following the Government orders regarding holidays?

(*f*) Did the teacher make any application to the Director of Public Instruction? If so, what action did he take?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Minister in charge of the Education Department): (*a*) The incident referred to occurred about two years ago, long before the present Government assumed office. I have collected as much information as possible, which is as follows:—

(*a*) Yes.

(*b*) The Principal has no recollection whatever of such a remark. One month's notice was given on the 12th of December, 1936.

(*c*) The Executive Committee of the School confirmed the Principal's action in giving one month's notice to the teacher concerned.

(*d*) Yes, under the Code of Regulations for European Schools in Bengal.

(*e*) There is no rule regarding the distribution of holidays in the Code of Regulations for European Schools, but generally holidays follow a tradition and naturally as the school concerned is a Church of England School, due regard is paid to Christian holidays. A list of holidays to be observed is prepared and submitted to the Inspector of European Schools at the beginning of each calendar year.

(*f*) No application from the teacher was received by the Director of Public Instruction, Bengal.

Legislative Building.

72. **Mr. SHRISH CHANDRA CHAKRAVERTI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether it is a fact that the name of the old Council House was changed into Legislative Building;

(*b*) whether the name of the Legislative Building has since been changed into Assembly House;

(*c*) if the answer to part (*b*) be in the negative, whether the attention of the Government has been drawn to the advertisements issued by the Secretary of the Assembly Department for the recruitment of the Watch and Ward staff in which the building has been named as the Assembly House;

(*d*) if so, when this change of nomenclature was effected and why;

(*e*) whether the Government is aware that the name of the building of the Government of India, which accommodates Princes' Chamber, the Council of State (Upper House) and the Central Legislative Assembly is still called the "Council House";

(*f*) if so, why a departure has been made in the case of the Bengal Legislatures' Chambers;

(*g*) whether it is a fact that the Chamber Building used to be called Council House till the Government of India Act, 1935, came into operation; and

(*h*) why nomenclature was changed without obtaining the opinion of the Bengal Legislative Council?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): The nomenclature of the building accommodating the two Houses of the Legislature which has been adopted by Government is "The Legislative Building". If and when separate buildings are provided the question of nomenclature will be considered afresh.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state why has the Secretary to the Assembly Department named the Legislative Building as the "Assembly House" in the recent advertisement?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to make an enquiry?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think it has anything to do with Government. As long as Government notifications do not say so, we cannot help if other people call this building "Assembly House".

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state if it is not a case in which the Legislative Council has been ignored?

The Hon'ble Khwaja Sir NAZIMUDDIN: In what way I do not follow.

Rai KESHAB CHANDRA BANERJEE Bahadur: Because the Council Building has been named the Assembly Building?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not by Government.

Comilla cotton.

73. Rai BROJENDRA MOHAN MAITRA Bahadur (on behalf of Mr. Kamini Kumar Dutta): (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state if any experiment for improving the Comilla cotton financed by the Indian Central Cotton Committee was carried on at the Rangamati Farm in the Chittagong Hill Tracts?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state the results of such experiment and whether publicity was given to the results obtained from such experiment for the benefit of the cotton growers?

(*c*) Has the Government taken any special step to induce the people to increase the growing of cotton and to improve the quality of the cotton grown? If not, why not?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur of Dacca): (*a*) The scheme for improvement of Comilla cotton is still in progress.

(*b*) It is too early yet to anticipate the result or to give publicity to it.

(*c*) Does not arise.

Bogra Co-operative Central Bank, Ltd.

74. Khan Bahadur M. MAHAMMAD IBRAHIM: Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) the amount of audit fees paid by the Bogra Co-operative Central Bank, Limited, from 1932 to up to date;

(*b*) the number of supervisors promoted to the rank of auditor from the co-operative central banks in Bengal;

(*c*) whether any supervisor from Bogra Co-operative Central Bank, Limited, has been promoted to the rank of auditor during that period;

(*d*) if not, why not;

(*e*) whether there is any chance in the near future for any supervisor of the Bogra Central Bank to get a promotion to the rank of auditor;

(*f*) If not, why not; and

(*g*) if the answer to part (*e*) be in the affirmative, when and exactly at what time?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (The Hon'ble Mr. Mukunda Behary Mullick): (*a*) Rs. 2,100.

(*b*) Twelve.

(*c*) No.

(*d*) Promotions are not made on the basis of the audit fee paid by the central banks but by selection of the best supervisors in the whole province. Since 1932 no supervisor under the Bogra Central Bank has been found suitable for promotion.

(*e*), (*f*) and (*g*) If and when any supervisor under the Bogra Central Bank is found fit for promotion, his case will of course be considered.

River Karatoya.

75. Khan Bahadur Maulvi MOHAMMAD IBRAHIM: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that owing to the silting up of the river Karatoya running through the districts of Rangpur and Bogra, the health of the inhabitants of those two districts have deteriorated very much; and

(*ii*) that the Government and the Bogra District Board did agree to adopt a scheme of excavating the above river and to sanction the sums of Rs. 35,000 and Rs. 15,000, respectively, for the said purpose?

(*b*)(*i*) Will he be pleased to state whether the scheme of excavation referred to above is still in the contemplation of the Government?

(*ii*) If so, when and at what exact time will the work be taken up?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srie Chandra Nandy, of Cossimbazar): (*a*) (*i*) The river Karatoya is in a decadent condition but the census reports do not show any deterioration in the health of the area therefrom.

(*ii*) A sum of Rs. 34,000 has been allotted to the District Board of Bogra as Government contribution for the work of resuscitating the lower reaches of the river by means of a cut from the Katakhali *khal*. The District Board, Bogra, has agreed to meet the balance of the actual cost of the scheme.

(*b*)(*i*) Yes.

(*ii*) I understand that if the necessary preliminaries are satisfactorily completed in the meantime, the District Board may take up the scheme in the next working season.

Credit Loans to agriculturists.

76. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state what steps have been taken by Government to supply cheap short-term credit loans to small agriculturists and for partial liquidation of their debts?

(*b*) If no steps have yet been taken, what measure is the Hon'ble Minister concerned contemplating in order to give relief to these small agriculturists who form the majority of Bengal population?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) and (*b*) —Short-term credit loans cannot be made for the purpose of liquidating debts, whether wholly or in part.

The Bengal Provincial Co-operative Bank has advanced considerable sums for lending to agricultural members of co-operative societies to enable them to meet immediate requirements.

Short-notice question.

76A. Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether he has received a petition from the All-Bengal Registration Employees' Association asking for permission to wait upon him in a deputation to represent their grievances;

(*b*) if so, whether the permission sought for has been given and with what results?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) Not yet. The Association were asked first to state their grievances in the form of a memorandum. This has been received and is under consideration.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state when the particulars required for the proposed deputation were received?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I ask for notice.

76B. Rai KESHAB CHANDRA BANERJEE Bahadur: (*a*) Is the Hon'ble Minister in charge of the Finance Department aware of the reply given by Sir John Woodhead to starred question No. 105 in the Bengal Legislative Council on the 4th December, 1936, in which he stated that clause B of Fundamental Rule 56 does not require the compulsory retirement of an efficient ministerial officer before attaining the age of sixty?

(*b*) If so, will the Hon'ble Minister be pleased to state whether Government grant compensatory benefit to such efficient officers who are made to retire before attaining the age of sixty in spite of the safeguards publicly declared by Sir John Woodhead in the reply referred to above?

(*c*) If the answer is in the affirmative, will the Hon'ble Minister be pleased to state whether he proposes to take immediate steps to protect the interest of such officers?

MINISTER in charge of the FINANCE DEPARTMENT (The Hon'ble Mr. Nalini Ranjan Sarker). (*a*) Yes.

(*b*) Government do not grant compensation, nor can I trace any mention of safeguards in Sir John Woodhead's reply.

(*c*) I am aware of no interests which require to be protected.

Rai KESHAB CHANDRA BANERJEE Bahadur: By interest I meant interests of the officers concerned. Will the Hon'ble Minister be pleased to state whether he does not consider it necessary to save the interests of the officers concerned?

The Hon'ble Mr. NALINI RANJAN SARKER: No; it is not necessary.

NON-OFFICIAL BILLS.

The Bengal Relief to the Poor and Unemployed Bill, 1937.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I beg to move that the Bengal Relief to the Poor and Unemployed Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of the Revenue Department,

(2) Mr. D. H. Wilmer,

(3) Mr. Kamini Kumar Dutta,

(4) Mr. Lalit Chandra Das,

(5) Rai Radhica Bhusan Roy Bahadur,

(6) Khan Bahadur M. Abdul Karim,

(7) Mr. Nur Ahmed,

(8) Khan Bahadur M. Muhammad Ibrahim,

(9) Mr. Humayun Kabir,

(10) Mr. Mukhlesur Rahman, and

(11) the mover,

with instructions to submit their report by the 20th September, 1938, and that the number of members whose presence shall be necessary to constitute a quorum, shall be five.

Sir, the object of the Bill is to provide for relief to the poor and the unemployed to tide over their financial difficulties during the slack season when owing to suspension of agricultural works the poorer

people do not get work and the indigent do not get alms. Sir, it is a blot on the administration of the province that so far no Poor Laws have been enacted, nor any such social law such as Unemployment Insurance. The Bill proposes to lay down the foundation for such laws. Sir, the Bill as introduced, imposes some financial responsibility on Government. It was found at the introduction stage that the Government was not prepared to advise the Governor to recommend to the Legislature the consideration of the Bill but on the contrary, they wanted to oppose it under section 82 (3) of the Government of India Act of 1935. I have therefore decided, Sir, to propose such modifications in the Bill when it comes before the Select Committee, that no financial responsibility is imposed on Government.

I may give Sir, some idea of the modification I propose to make. Instead of Government being made responsible for allotting certain sums to different districts for the relief of the poor and the unemployed, I would propose necessary money to be raised by voluntary subscriptions or by placing poor boxes in prominent places of every Union. Provision will be made for maintaining a list of all indigent people who are utterly incapable of earning a livelihood or are overburdened with too many helpless dependants who are unable to do any work. It will be easy for Union Boards to prepare such a list on reference to the assessment papers in which all unassessed people are shown as poor.

It will be the duty of the *mohalla chowkidar* to be in touch with these poor people during slack season when labour and private charity become scarce and to inform the Union Board President if there be any apprehension of serious consequences of starvation. The Union Board President will render help from the Charity Fund.

If in any year, owing to any abnormal circumstances, the number of such people are reported to be alarmingly large, it will be the duty of the President to report it to the Subdivisional Officer for taking such action as he may think proper.

The unemployed who are burdened with a family will in special cases be allowed loans for passage for going to distant places in quest of work, and if in any year their number also increases abnormally, the matter will be reported to the Subdivisnonal Officer.

Sir, I think there is none in this House, including the Hon'ble Minister in charge, who can have any objection to a Bill of this nature. It will have the salutary effect of impressing on Union Boards their duty of keeping information about the material condition of the poor and the helpless and rendering them absolutely necessary help from a charitable fund to be raised by voluntary contributions. It will enable Government to know the actual number of helpless people in any Union if they care to know. It will stimulate organized charity and stop the abuse of private charity and will at

the same time lay the foundation for future poor laws. It will also put heart into the helpless people who up till now have been left entirely to their fate, with nobody to inquire after them even if they be dying of starvation. Sir, I have given the outline of the principles underlying the Bill and I should like to be permitted to sit with the members of the Select Committee to put our heads together and to effect further improvements in the Bill.

With these remarks, Sir, I move for reference of this Bill to the Select Committee as already detailed.

Mr. PRESIDENT: Motion moved: that the Bengal Relief to the Poor and Unemployed Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of the Revenue Department,
(2) Mr. D. H. Wilmer,
(3) Mr. Kamini Kumar Dutta,
(4) Mr. Lalit Chandra Das,
(5) Rai Radhica Bhusan Roy Bahadur,
(6) Khan Bahadur M. Abdul Karim,
(7) Mr. Nur Ahmed,
(8) Khan Bahadur M. Muhammad Ibrahim,
(9) Mr. Humayun Kabir,
(10) Mr. Mukhlesur Rahman, and
(11) the mover,

with instructions to submit their report by the 20th September, 1938, and that the number of members whose presence shall be unnecessary to constitute a quorum, shall be five.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not want to move my amendment at this stage, and reserve my remarks for a later stage because there may be other members who may want to speak on this motion and whose views I would like to have and then reply to all the points raised.

Mr. MOAZZEMALI CHOUDHURY: Sir, I beg to move that after the name of Mr. Mukhlesur Rahman the name of Rai Sahib Indu Bhusan Sarker be inserted.

Mr. PRESIDENT: Amendment moved: that after the name of Mr. Mukhlesur Rahman the name of Rai Sahib Indu Bhusan Sarker be inserted.

Mr. NARESH NATH MOOKERJEE: On a point of information, Sir. Does the Hon'ble Minister want to move his amendment at all?

Mr. PRESIDENT: No, he is not moving.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, with regard to the aims and objects of the Bill there can be no two opinions. The hon'ble member-in-charge has by this Bill undoubtedly shown a considerable amount of sympathy for the numerous poor and unemployed persons in Bengal. With regard to that portion of the Bill I have nothing to say and I believe no one in this House has anything to complain of. But the Bill involves certain financial implications which will necesasrily have to be taken into consideration. In this connection questions will naturally arise as to what will be the number and nature of the poor and unemployed people who would require help; secondly, the exact amount that will be required to keep the thing going; thirdly, whether the province will be in a position to pay that large amount, and fourthly, whether any further taxation would be necessary to finance the project or any adequate saving in the Government revenue would be available and so forth. I find that already a large number of opinions has been obtained on this Bill, and they are generally very sympathetic towards the objects of the Bill. But a large majority of those whose opinions have been obtained, have objected to the Bill on the ground of its financial implications.

Of the opinions, one is from the Dinajpur Landholders' Association, whose opinion is "that the Bill has been conceived in a laudable spirit, etc." I do not think this is at all a constructive criticism.

The next is from the British Indian Association which has opposed the Bill on financial grounds. It is of the opinion that the objects or rather the——

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. Is it necessary that the hon'ble speaker should simply read out the opinions of the different bodies and associations expressed on this Bill and of which we all know, as we have also got copies of the same?

Mr. PRESIDENT: The hon'ble member need not go into the details of the opinions of these different bodies.

Khan Bahadur NAZIRUDDIN AHMAD: I bow down to your ruling, Sir. I was not at all going into the details but was only pointing out the essentials in them.

The opinion of the British Indian Association is a very constructive one. It is sympathetic towards the objects of the Bill. But it lays emphasis on the huge amount of capital that will be necessary to give effect to the purposes of the Bill.

The next one, from the Bengal Chamber of Commerce, is also of a similar nature. It says that the number of men requiring help would be about a crore and the amount involved would, if provided by the State, completely unbalance the provincial finances.

The next is from the Chairman, District Board, Darjeeling. He also says that it would be "the thin end of the wedge and would eventually result in the 'dole' system" and would cost the Government a lot.

The next one is from the Bengal Landholders' Association which says that the Bill would not achieve its objects but on the contrary, the Union Boards will abuse the powers intended to be conferred on them in this behalf.

The next one from the Dacca District Board says that the scheme was unworkable and that huge sums would be necessary, which however would not be usefully spent.

The next one from the Hooghly District Board is extremely laconic; that it has "no objection".

No. 8 from the Rangpur District Board says that the Bill will not be of any practical utility.

No. 9 is from the 24-Parganas District Board. It is slightly contradictory. In the first paragraph it is stated, "it would serve the useful purpose" whereas in the second paragraph it says, "The Bill, however, which claims to give relief to the poor and unemployed is rather halting."

No. 10 from the Malda District Congress Committee simply says that the Bill be "approved."

In addition to the exhaustive number of opinions I have just given, there are a few more in the supplementary list. Of them one is from the District Anjuman-i-Islamia, Noakhali, which supports the Bill, and the next is from the Bakarganj District Board which says that the Bill might be passed into law and the third is from the Chairman, Nadia District Board, who says that the Board does not approve of the principle of the Bill.

I have given a gist of these opinions to the House for the simple reason that the House in its wisdom decided to circulate the Bill to elicit public opinion. Having obtained the opinion we sought, I thought it right to consider them. I believe that public opinion in the province generally accepts the policy and the principle underlying the Bill but opposes it on financial ground. I think the House will have more than anything else, to seriously consider the financial implications of the Bill before passing it into law.

Khan Bahadur SAIYED MOAZZAMUDDIN HOSAIN: I have eliminated the financial obligations of the Government.

Khan Bahadur NAZIRUDDIN AHMAD: I do not know whether the financial obligations of the province have been got rid of. The Bill is there with its financial implications. But if the poor and the unemployed can be helped without any financial liability on the part of the Government, I shall be only too glad to support the Bill. But I am not yet aware of any means by which this could be achieved. With these words, Sir, I would ask the House to carefully consider whether it is worthwhile simply sending the Bill to a Select Committee without devising definite ways and means as to how the necessary amount could be raised.

Mr. NARENDRA CHANDRA DATTA: On a point of information, Sir. I want to know whether the member who spoke so much just now, is for or against this Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I am certainly for the purposes and objects of the Bill as is anyone else; but if it means any large financial undertaking I am of course against it. My support is conditional.

Khan Bahadur ATAUR RAHMAN: Sir, I beg to support the motion moved by Khan Bahadur Saiyed Moazzamuddin Hosain and I wholly associate myself with the objects of the Bill. I support it from another angle of vision. It is this, that almost all Government officers, circle officers and various other new classes of officers are let loose in this province without much work. So, if this Bill is passed into law, they would have some useful work to do. Sir, I have personal and practical experience of a thing like this being done in Rajshahi some years ago, where within a very short time we raised about Rs. 17 thousand from villages which was known as the "Village Fund." Of course I do not know what was the fate of the fund afterwards, whether it has been consumed by the people who raised it or whether it has gone to the pockets of the poor. So, if this thing can be legalized, I believe it will surely be of some use to the poor and unemployed and at the same time these officers who are drawing travelling allowances and pay for practically no work, will be better employed in supervising the Government grant and private grant to these poor and unemployed. With these words, Sir, I support the motion of the Khan Bahadur.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, it is a very important Bill because it affects the welfare of the community at large and I want it to be accepted by all the members of the House. There are some members who cannot follow the discussion if it is carried on in English.

Khan Bahadur NAZIRUDDIN AHMAD: There are more persons who understand English better than they do Bengali. Besides, there are European members also.

Khan Bahadur ATAUR RAHMAN: European members do not require doles.

Mr. PRESIDENT: Please speak in English.

Mr. SHRISH CHANDRA CHAKRAVERTI: Europeans are not interested in this affair.

Mr. PRESIDENT: Apart from Europeans, there are members in the Council whose mother tongue is Urdu or Hindi. I can conceive of occasions when members will be permitted to speak in Bengali but this is not such an occasion.

The Hon'ble Mr. H. S. SUHRAWARDY: The Congress members are not taking any interest in the matter.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I congratulate the Khan Bahadur on his having brought forward this Bill. It is a very timely measure which I think should have the unanimous support of this House. Khan Bahadur Naziruddin Ahmad finds himself unable either to support the Bill or to reject it. He supports the Bill so far as its principle is concerned but rejects it so far as its financial aspect is concerned.

Mr. PRESIDENT: At this stage we are concerned only with the principle of the Bill. When it goes to the Select Committee it will be for the Select Committee either to accept or amend or omit any particular clause of the Bill.

Rai KESHAB CHANDRA BANERJEE Bahadur: Khan Bahadur Naziruddin Ahmad has referred to the financial aspect of the question. The financial aspect ought not to stand in the way because it is after all the Select Committee that will deal with this question. Every measure of public benefit has a financial aspect and I do not think a beneficent measure like this one before us should be put aside simply because it may cost the Government an enormous amount of money. I may here remind the House that in England, for instance, the poor and unemployed people of that country are in receipt of weekly doles from the British Government but here unfortunately, there is no provision for relief of unemployment. In the United States of America the Government have taken upon themselves the solution of the unemployment problem and have agreed to render the financial assistance that is

necessary for the unemployed people. I do not think it would be prudent on our part at this stage to reject the Bill altogether on financial grounds. The mover of the motion has urged for the appointment of a Select Committee to consider the Bill and when the Select Committee will meet, they will be in a position to consider every aspect of the question and if the financial difficulties are found to be insuperable, then the question whether the Bill should be accepted or not will come up before the House.

The Hon'ble Mr. NALINI RANJAN SARKER: If insuperable, we will tax the zemindars.

Rai KESHAB CHANDRA BANERJEE Bahadur: I would rather tax the Hon'ble Finance Minister. The question before us is that this is the first time in the life of this House that such an important question has been brought forward and I think no useful purpose will be served by opposing it at this stage. So let it be referred to the Select Committee and when it emerges from the Select Committee, the House will have an oportunity of deciding whether the Bill should be accepted or not.

The other day the Hon'ble Finance Minister in reply to the criticism levelled against the White Paper, presented by the Government of Bengal on retrenchment, said that Government funds were satisfactory at the moment and that the Swan Retrenchment Committee was appointed for the purpose of effecting certain retrenchments when the Government's position was anything but satisfactory. So far as this important question is concerned if it is found that the normal funds of Government cannot be utilised for the purpose, a loan should be taken to implement it. I would respectfully request the Hon'ble Minister in charge of the Department to accept the Bill. When it emerges finally from the Select Committee it will be possible to consider it in all its details.

Khan Bahadur M. SHAMSUZZOHA: Sir, the object of the Bill is certainly laudable but the plan and procedure therein laid down, does not give any promise of a satisfactory solution of the problem that concerns the province. The difficulty so far at least as Bengal is concerned, lies in the fact that the people are more indolent and averse to labour than they are really eager to get and do work. So far as our knowledge of the rural areas goes, we can say that there are people who if they do two days' work and earn something spend the other five days of the week indolently and would not do anything. They do not want to work unless they are by sheer animal necessities forced to work. From my own experience I can say they have got an aversion to work and it is for this reason that you find very few of them in industrial firms or in mills and factories of your province, not to speak

of other provinces. So far as Bengal is concerned, we find that the mills and factories are almost swamped by people from outside Bengal. Even in rural areas where there is demand for agricultural labour, it is painful to mention that sometimes unfortunately in it also a great scarcity of labour is experienced not because there are no people but because they will not work, whereas in this work the poor people of the locality could profitably employ themselves and earn a decent living and thereby raise the standard of their comforts. There is really work for another five days; on those days they could prepare manure, etc., and conduct agriculture on more intensive lines. For expansion of agriculture they can also take up more lands which are lying fallow and by spending time and labour on them increase their yield and add to the sum total of social wealth. In Bengal we find that lots of cultivable plots are lying fallow (I cannot give off-hand the extent of the area correctly) where labour can be profitably employed. I think roughly about one-third of agricultural land in Bengal is still uncultivated and if suitable steps are taken a large number of people can be employed therein; but the initiative must come from the people themselves. Government can only give encouragement and guidance.

In this Bill there are certain aspects which will encourage and put premium on indolence and will lead people to look to Government always and for all their needs. It cuts at the very root of self-help and self-exertion. It is said that people want State aid and it may be that some State aid is necessary, but before State aid can be given some fundamental conditions and circumstances must be thoroughly studied and taken account of. In short, judged from the psychological and economic standpoints, I do not think that if this Bill is circulated for public opinion it will commend itself to the informed public or even if it is passed into law it will do any lasting good to the people of Bengal.

Rai KESHAB CHANDRA BANERJEE Bahadur: Does the question of circulation arise now when the mover asks for reference of the Bill to the Select Committee?

Mr. PRESIDENT: No, it has already been circulated.

Khan Bahadur M. SHAMSUZZOHA: The majority of those who have given their opinion in favour of the Bill have attacked the financial aspect of it. Considered from all standpoints, it can be said that even though the object of the Bill is laudable, in fact no actual progress can be achieved without sufficient funds.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, in supporting the Bill I have a few words to add. It is well-known that the poor of our province are most numerous as compared with those of other provinces.

At the same time no other country has got such a large number of institutions of charity as we have. Islam provides for compulsory charities more than any other religion, but our charities are so much abused that some sort of organisation of these charities has become absolutely necessary. Undeserving objects are often paraded at the cost of deserving cases which would not have been tolerated if their objects were known. Therefore, if the Bill can provide for organising our charities, it will do a great service to the province. If anyone has cared to notice during the *Id* festival in Calcutta, he must have seen thousands of beggars flock together and collect large sums of money. If we could take advantage of this distribution, then we could help those who are really deserving. Khan Bahadur Naziruddin Ahmad has read out the opinions of some of the institutions on this Bill. The opinions are divided on two lines. The commercial or capitalistic organisations have all expressed themselves against the Bill because of its financial implications. Those institutions or bodies which deal in or come in contact with the poor, have supported the object of the Bill. It is no gainsaying the fact that there are poor in this province; more accurately speaking they are very poor and their number is not small. Something has to be done for the purpose of giving relief to them. We can at least provide for organising the charities which are practised in this province on a voluntary basis. The Bill provides for organisations to be established in each Union and if those organisations do collect those charities which are given away by people voluntarily and if they are distributed judiciously, I submit that they will go a great way towards the relief of the poor.

Further without going into the merits of the Bill it is meet and proper to refer it to a Select Committee in order to bring it in form and submit it in a way in which it can be passed by this House and thereby do the necessary service to the province.

Mr. D. H. WILMER: Mr. President, Sir, there appears to be no second opinion in this House with regard to the merits of this Bill, and I am happy to say that my group join with the other members of the House in giving this Bill their whole-hearted support. I understand from the hon'ble member who has sponsored the Bill that he intends to introduce certain innovations in it in order to overcome the technical objections under the Government of India Act of 1935, and, further, Sir, I understand that the Bill is chiefly meant for the purpose of starting a machinery upon which a future code of law can be founded for needy persons in the *mufassil*. I regret to say that I personally have little knowledge of the conditions in the *mufassil*, although I can claim to have some knowledge of the need of charity in this town.

Now, I am pleased, Sir, to have my name associated with others who have agreed to spend their time and energy on the work of this Select Committee.

With these few words, Sir, I beg, on behalf of the group to which I have the honour to belong, to extend my heartiest support to this motion.

Mr. NARESH NATH MOOKERJEE: Sir, I rise to support the motion of my friend, the Khan Bahadur, for reference of the Bengal Relief to the Poor and Unemployed Bill, 1937, to the Select Committee. All that the Khan Bahadur wants of this House is that the matter should be carefully considered by a Select Committee with a view to finding out ways and means by which a measure of this kind can really be put on the Statute Book. Sir, we quite realize that in this Bill are involved financial implications of a very grave nature. We also realize, Sir, that this question will have to be looked at from various points of view, and I think it is only fair and meet that it should be considered carefully in all its bearings in a Select Committee. I do not think, Sir, that this House is the proper place for a discussion of this kind—particularly at this stage of the Bill, and unless, Sir, the matter is referred to a Select Committee, I do not think any sort of justice—even the barest justice—can be done to a Bill of this kind. From what we have heard, Sir, there seems to be a general agreement about the utility of the Bill. Further, Sir, it appears that all sections of this House are in sympathy with the Bill—and so are we. We also realize, Sir, that there are difficulties in the way which have got to be overcome, but that is no reason why we should shelve this matter or gag this Bill at this stage. I do feel, Sir, that my friends on the other side—at least, some of them—will not indulge in opposition merely for the sake of opposition, but look at the matter from a larger and broader point of view and lend their support to it. After all, in the Select Committee, Sir, there will be ample opportunity for them to express their views, and I am sure, Sir, that Government will not undertake any large financial liabilities if they feel that they are unable to shoulder the entire burden. I do hope, Sir, that if such is the case some other way may be found to get out of the difficulty. But I think it would be very unfair to the mover if the Government oppose the reference of this Bill to a Select Committee at this stage for fear of any financial liability. I feel it will be very unfair to gag the Bill at this stage. I, on behalf of our party, Sir, lend our whole-hearted support to the Bill, and I only hope that our friends opposite will support us with a full heart in having this Bill referred to a Select Committee.

With these few words, Sir, I wish to lend my party's support to this motion.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I thought that the Bill as drafted was an impracticable one and that it was utopian in character, and I was firmly of the opinion that it is not

possible to give effect to the provisions of this Bill under the present financial condition of the province. But, Sir, I have been assured—in fact this House has been assured—by the hon'ble mover of the Bill that he will so change it in the Select Committee that too heavy a financial burden will not be imposed on the Government.

Mr. HAMIDUL HUQ CHOWDHURY: Practically no burden, I should say.

The Hon'ble Mr. NALINI RANJAN SARKER: I am glad to hear that there will be no burden placed on the finances of the province. I am very much encouraged, in that I can expect, as appears from speeches in this House, a handsome contribution from the enthusiastic and well-to-do members here, as well as from the zemindars, and the representative of the Bengal Chamber of Commerce. So I have not the least doubt that in the practical schemes to be formulated in the Select Committee, although financial difficulties will stand in the way, with the help of the businessmen and the zemindars we shall be able to do something for the poor of this province.

Rai KESHAB CHANDRA BANERJEE Bahadur: Why cannot the Hon'ble Finance Minister give us an assurance that Government will also be prepared to provide funds, if necessary, for this purpose?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I promise that after this Bill is passed into law, I will bring out another Bill by which I shall be able to get finance out of the existing resources, I mean from those of you here who are in a position to pay, and show that there is no lack of interest on the part of the Finance Minister to tap those who are able to bear this burden (laughter).

Mr. HUMAYUN KABIR: Sir, we welcome the decision of the Government to drop the motion for recirculation. After what has been said by many hon'ble members on this subject, not many more words are necessary. As has been made clear by Mr. Wilmer, every one agrees with the objects of the Bill. The only difficulty that stands in the way of realizing the object is finance. There is also some doubt as regards the machinery that should be employed. The hon'ble mover has assured us that he has a scheme by which much of the financial burden can be taken away from Government. As regards the machinery, Sir, the Select Committee is there to revise the Bill and set up such machinery as would be best suited to the needs of the province. In view of these considerations, I do not think there should be any objection to this Bill being referred to a Select Committee. With these words, Sir, I give my whole-hearted support to the motion.

Maulana MUHAMMAD AKRAM KHAN addressed the House in Bengali. The following is the English translation of his speech:—

Mr. President, Sir, I want to speak a few words here. In connection with the discussion which has been raised on legal points the Khan Bahadur has clearly stated in his speech that Government will not be saddled with any financial liability. After a clear statement on this point, any further discussion on the financial aspect was not called for. In view of the opinion of the House, as also, of the Khan Bahadur, I think that clear instruction on the point should be given on behalf of the House. In the light of the promise given by the Khan Bahadur, the Select Committee will change it in such a way as not to saddle the Government with any financial liability.

My next point is, in the course of the discussion a proposal has been made for organising the charities obligatory on Islam. I want to enter my personal protest against it. There are certain Islamic injunctions which make it obligatory on a Musalman to dispense charity. But as an insignificant member of the Moslem community, I record it here that the Moslem community will never agree to that charity being regulated by legislation. It is on principle that I protest against Government or the Legislative Council dictating where we should bestow the charity enjoined upon us by religion and where not.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, practically, all sections of the House have accorded welcome to the principles underlying this Bill, and Government do not propose to sound a discordant note. (Cries of hear, hear.) The objects of the Bill are no doubt laudable, and we have every sympathy with those objects, but along with some of my friends, who take a more practical view of things, than the hon'ble mover of the motion, we find it rather difficult to translate that sympathy into action.

Sir, I may submit that the Bill is ill-conceived, ill-drafted and that the whole idea underlying it is shadowy, nebulous, and fantastic. Sir, the object is very sound, very laudable, no doubt, but what the hon'ble member proposes to do, I have not yet been able to understand even after a very careful perusal of the Bill as drafted.

Sir, the mover of the motion has given an undertaking that the whole Bill will be recast, that its financial provisions will be changed, and Government will be completely absolved from all financial responsibilities. The Select Committee must do all these things; that means that the Select Committee must draft the Bill for him and not he! Of course, I only wish that the Select Committee would be able to carry out his wishes on the lines he has indicated, but personally I doubt very much whether that will be at all practicable. Sir, out of the ten opinions that Government have received from the different

public bodies, seven are very sceptical about the success of this measure. All of them are not as suggested by the hon'ble Deputy President, Mr. Hamidul Huq Chowdhury, organisations of capitalists—there are some who are employers of labour, there are others who are in intimate touch with the agricultural labour——

Rai KESHAB CHANDRA BANERJEE Bahadur: But Mr. Wilmer, who has spoken to-day on behalf of the European Group, and who represents the capitalists, has given his unstinted support to this Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope, Sir, the hon'ble member will not interrupt me.

As I was going to say, Sir, there are some who are in direct touch with the agricultural lobour and they also feel that the provisions of the Bill will prove ineffective in practice. I congratulate my hon'ble friend Khan Bahadur M. Shamsuzzoha for placing certain unpleasant facts before the House. It is well-known that at least for six months in the year the agricultural labourer in Bengal practically does nothing. He passes his time indolently.

Mr. HUMAYUN KABIR: Because there is no work for them.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: So, whether this Bill is going to encourage thrift, whether this Bill is going to encourage him to be more industrious or is going to help him to be more indolent—these are the points which should be carefully considered.

Personally I feel that it will have a demoralizing effect on the agricultural labour. Apart from all these facts, the practical difficulty of giving effect to the proposal should be borne in mind. The hon'ble member himself has stated in the Statement of Objects and Reasons of his Bill: "In most parts of Bengal at least 25 per cent. of the population do not get even one meal a day during certain part of the year when no employment is available on agricultural works.". Now, what does this 25 per cent. of about four crores of people come to? It means that at least a crore are poor and unemployed during certain seasons of the year when they are unable to earn any livelihood and are according to the mover, on the verge of starvation. The hon'ble member, as transpires from his calculation, wants to make some provision for the distribution of doles to about a crore of people, which to my mind is an absurdity!

Sir, Khan Bahadur Ataur Rahman has discovered rather too late that Government "depute" officers to the *mufassil* for no useful purpose. I only wish that he had better realized this before he retired from Government service (laughter.) In spite of the fact that a large number of people do not get sufficient employment—and according to the Khan Bahadur, should be given loans and doles—it

is a notorious fact that agricultural labour has to be imported from the neighbouring province for agricultural purposes. I can speak from personal knowledge that at least in the Burdwan Division agricultural operations would have been impossible but for the presence of a large number of *Sonthals* from the *Sonthal Parganas*. Now is this Bill going to make our agricultural labourers more industrious, or is it going to make them more indolent? My friend thinks that this Bill is going to be recast and Government are to be absolved from all financial responsibility. I want to show that I have every sympathy with the object of the Bill but not with the measure as drafted by the mover.

At this stage may I make one suggestion, viz., that instead of "20th September" the date may be changed to "31st December"? If the House will agree, it will be more convenient for a measure like this to be completely redrafted. But that will require time, so I would suggest 31st December. I hope the Khan Bahadur will agree to my suggestion.

Mr. PRESIDENT: You are to place it before the House and it is for the House to accept it or not.

Amendment moved: that for the figure and words "20th September" the figure and words "31st December" be substituted.

Mr. HAMIDUL HUQ CHOWDHURY: May I submit that the Committee should redraft the Bill without restriction?

Alhaj Khan Bahadur SHAIK MUHAMMAD JAN: Sir, after the speeches which have so far been made by the hon'ble members, there is nothing left for me to add. I only wish to draw attention of the House to the fact that so many points have been raised in this House that the Bill ought to be referred to the Select Committee. I think the speech of the Hon'ble Minister in charge was an utter failure; it showed that he was quite indifferent and callous to the crying need of the province and that he did not want a Bill like this to be formulated. I have no objection to the Bill being referred to a Select Committee. I am not in favour of all the clauses of the Bill, especially the one that deals with doles to be given to the unemployed or to the poor because our province cannot afford it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I point out that Maulana Akram Khan has suggested that in giving direction to the Select Committee that the Bill should be recast, it should also be mentioned that no financial responsibility is to be placed on Government?

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I am very sorry that some of the members have raised certain objections with regard to the Bill which I have introduced for reference to the Select Committee. It appears that most of the members who have raised objection have not listened to the statement which I have made to-day. The Bill as introduced is rather vague and impracticable to a certain extent, but I have given an indication as to how those defects can be removed. We are not to attempt to give doles and loans to all agricultural labourers who may be sitting idle but to the poor people who are likely to die of starvation. What I have said is that even now in very Union a list of all Union Board assessees is maintained and the name of everybody having a house in the Union is entered in the list. All that is necessary now is that from that list only about those persons against whom the word poor is written, enquiries will be made to find out how they are getting on. Poor people are those who are either incapable of doing any work or who are poor because they have too many helpless relations to support. All that is required of the presidents of the Union Boards is to get such lists prepared, to watch the condition of these poor people, specially during the slack season when charity is shy and to see that nobody dies of starvation. These poor people alone will be rendered help from this fund and from voluntary contribution. The presidents will place poor boxes in prominent places in the Union and will also raise subscriptions for establishing a poor fund for saving poor people from starvation. If the list becomes very large in every year owing to abnormal circumstances, they will report to the subdivisional officer. That is all. There is no financial responsibility for Government but at the same time it will enable all people to get a knowledge of the actual state of things in the *muffassil* and to distribute gratuitous relief at the time of distress. That is all that I am going to propose in the Select Committee and I think nobody should object.

One point regarding the remark of Maulana Muhammad Akram Khan. If the Mussalmans wish to pay this obligatory poor tax to the fund, they may, but they will not be forced to pay that tax to the charity fund in order that the president may distribute the amount according to his discretion. That is not a fact. It is only the amount that will be paid voluntarily or will be put into the poor box that will be utilised for the purpose of helping these poor people. It is not at all intended to enforce or organise obligatory religious charity. There is no such thing in the Bill at all. After this explanation I hope all doubts in the minds of my hon'ble friends will be removed. My friends ought to read the preamble of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: On a point of personal explanation. I feel inclined to plead guilty to the charge that I did

not listen to the written speech of the hon'ble mover and I had referred more to the Bill than to his speech.

Mr. PRESIDENT: Order, order. In a personal explanation you are not to make a second speech.

The question before the House is that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of the Revenue Department,
(2) Mr. D. H. Wilmer,
(3) Mr. Kamini Kumar Dutta,
(4) Mr. Lalit Chandra Das,
(5) Rai Radhica Bhusan Roy Bahadur,
(6) Khan Bahadur M. Abdul Karim,
(7) Mr. Nur Ahmed,
(8) Khan Bahadur M. Mohammad Ibrahim,
(9) Mr. Humayun Kabir,
(10) Mr. Mukhlesur Rahman, and
(11) the mover,

with instructions to submit their report by the 20th September, 1938, and that the number of members whose presence shall be necessary to constitute a quorum, shall be five.

Since which the two following amendments have been moved, one by Mr. Moazzemali Choudhury to the effect that after the name of Mr. Mukhlesur Rahman the name of Rai Sahib Indu Bhusan Sarker be inserted; the other is that of the Hon'ble Sir Bijoy Prasad Singh Roy to the effect that for the figure and words "20th September" the figure and words "31st December" be substituted.

Now the question before the House is that for the figure and words "20th September" the figure and words "31st December" be substituted.

The motion was agreed to.

Mr. PRESIDENT: The question before the House is that after the name of Mr. Mukhlesur Rahman the name of Rai Sahib Indu Bhusan Sarker be inserted.

The motion was agreed to.

Mr. PRESIDENT: The question before the House is that the motion, as amended, be passed.

The motion was adopted.

The Bengal Dentists' Bill, 1937.

Mr. HUMAYUN KABIR: May I with your permission move item No. VIII in the List of Business which also is in my name, first, instead of this one (No. II)?

Mr. PRESIDENT: The Chair will have no objection if the House unanimously agree.

Rai KESHAB CHANDRA BANERJEE Bahadur: I think we should take up the motions in the order in which they stand in the agenda paper.

Mr. HUMAYUN KABIR: I beg to move that the Bengal Dentists' Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of Public Health and Local Self-Government Department,
(2) Khan Bahadur M. Abdul Karim,
(3) Khan Bahadur Maulvi Mohammad Ibrahim,
(4) Maulana Muhammad Akram Khan,
(5) Mr. D. H. Wilmer,
(6) Rai Sahib Indu Bhusan Sarker,
(7) Mr. Shrish Chandra Chakraverti,
(8) Mr. Narendra Chandra Datta, and
(9) the mover,

with instructions to submit their report by the 31st August, 1938, and that the number of members whose presence shall be necessary to constitute a quorum, shall be three.

Sir, I think not many words are needed in moving my Bill for reference to a Select Committee. This Bill was moved for reference to a Select Committee before this House last January and at that time the Hon'ble Minister in charge admitted that this was a Bill which was eminently acceptable to the Government. In fact he also agreed with my contention that the Bill was drafted on the basis of the Report of the Dental Enquiry Committee which had been appointed by the Government itself and included many of the provisions suggested in that report. The Hon'ble Minister was also pleased to say that Government had no objection to any of the provisions of my Bill. Excepting one or two very minor alterations, they were prepared to accept the whole Bill. He proposed that it should first be circulated for eliciting public opinion and accordingly the Bill was sent for eliciting public opinion by the 28th February, 1938. That day has long since

elapsed and I place before the House this Bill of which the principle has been fully accepted by Government and of which the provisions are generally accepted by Government for reference to the Select Committee.

There is one further remark that I have to make. Since this Bill was discussed in this House, a Bill of an almost identical nature was introduced in another place. The difference between the two Bills is perhaps not more than in a dozen words. There it was referred to a Select Committee and there it has gone through certain stages in the process of becoming law. When my Bill was brought before this House, the question was raised that if the Government introduced a similar Bill no private member ought to have any objection to it. We agreed to that proposal. At the same time it was urged by the House, by almost all groups of this House, that if this Bill was accepted by the Government, it should be introduced in this House and not in another place. Therefore, since this Bill was originally introduced in this House and since the provisions of it were on the admission of Government acceptable to Government, and as the Bill has come back to this House again, it should now be referred to the Select Committee. I have a right of reply; therefore if there be anything further to say I will do so later.

Mr. PRESIDENT: Motion moved: that the Bengal Dentists' Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of Public Health and Local Self-Government Department,
(2) Khan Bahadur M. Abdul Karim,
(3) Khan Bahadur Maulvi Mohammad Ibrahim,
(4) Maulana Muhammad Akram Khan,
(5) Mr. D. H. Wilmer,
(6) Rai Sahib Indu Bhusan Sarker,
(7) Mr. Satish Chandra Chakraverti,
(8) Mr. Narendra Chandra Datta, and
(9) the mover,

with instructions to submit their report by the 31st August, 1938, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I can quite understand the hesitancy of the hon'ble member in moving this Bill and in attempting to substitute it for another, because if this Bill is referred to a Select Committee it would be wasting to a very large extent, i

not wholly and solely, time of the members of the Select Committee, the money of Government and the time of this House at a subsequent stage. A similar Bill was introduced in the last session in another place; a Select Committee was appointed; the Select Committee sat and made necessary alterations. The report of that Select Committee was placed before the Assembly which has accepted the same. And at the next session it will be placed before this House for consideration and I hope that this House will, without any further amendments, pass that Bill. The Bill was framed in consonance with the representations, and in conformity with the suggestions, made by the dentists practising in this province and also by those interested in the practice of dentistry. It is in that measure an agreed Bill and there will not be divergence of opinion. For that reason I hope that the hon'ble member will not move this Bill again here. In trying to make a good case out of a bad one, he has been able to create a plausible case to show that this Bill should be referred to a Select Committee, in spite of the fact that a completed Bill will be placed before this House for consideration in the next session. I therefore, Sir, have no other alternative but to oppose this Bill of the hon'ble member.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of information, Sir. We want to know whether this Bill is practically the same as the one which has been passed by the Assembly.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the origin of the Bill both in this House as well as in the Assembly is the same and consequently there is not much difference between this Bill and that passed by the Assembly.

Mr. HUMAYUN KABIR: Sir, my purpose in moving that the Bill be referred to a Select Committee was to draw the attention of this House to what is perhaps a breach of the privileges of this House. It is this: I gave notice of this Bill and wanted it to be referred to a Select Committee. The Hon'ble Minister in charge accepted the general principles of the Bill and he at that time stated that the Government had under contemplation a similar Bill. We in this House pressed that if the Government wanted to introduce a similar Bill of their own, then it should be introduced in this House, and not in another place. But Government were inclined to introduce it in the other House. That being the case, we further pressed that the Bill should be referred to a Select Committee consisting of members of both the Houses. But curiously enough, Government did not accept either of the suggestions which were made by this House. The Hon'ble Minister has just now admitted that since the origin of the two Bills is identical, there can be very little difference between them. If that

be the case, if this Bill is the same as the one introduced by Government in another place, what is the reason that this House was ignored? Why were the rights of this House completely violated and a Bill which was first introduced in this House taken away by Government and introduced in another House? This, I submit, Sir, is a question of the breach of the rights of members of this House.

We are the creatures of the Government of India Act, 1935, and if in this House, we are to serve any useful purpose, we must have the right of initiating measures, particularly measures which deal with social legislation and with social welfare work. If we are not allowed to do so, if every time any and every measure we introduce is to be taken away from us by Government and introduced in another place, if this House is to be only a revising body, we have hardly any justification for our existence. We have very often given our views and suggestions when the Government sought for the same, and we are always ready to offer any suggestions that we may be asked to give——

Mr. PRESIDENT: Order, order. The Chair deprecates much reference to the other House. We should take no cognizance of what has been done in the other House.

Mr. HUMAYUN KABIR: Well, Sir, I bow down to your ruling.

This is a Bill which, on the admission of the Hon'ble Minister himself, is one whose principles the Government is prepared to accept, and which originated in this House. It is a Bill of which notice was given by me during last August and which was moved for reference to a Select Committee last January. Government at that time moved that it should be sent for circulation for eliciting public opinion thereon by the 28th February, 1938. We accepted the same, being under the impression that we would get a day later for private members' Bills, but unfortunately we did not get any. Had we got the same, I would have moved this Bill last session here in this House, for consideration of and passing the same by this House first. I therefore now move, Sir, that this Bill be referred to a Select Committee.

The Hon'ble Mr. H. S. SUHRAWARDY: I rise, Sir, just to say something with regard to the new point which has been raised by my hon'ble friend. Although we cannot refer to the other House, perhaps you will permit me, Sir, just once to refer to the same and to say that a Bill, more or less completed by the other House, will be coming up and will be placed before this House for consideration.

Mr. PRESIDENT: Before the Bill is placed before this House, the Chair will not permit any such reference to the Bill.

The Hon'ble Mr. H. S. SUHRAWARDY: Anyway, Sir, with regard to the manner in which my hon'ble friend has referred to the reasons why the Bill should first have been placed here, I think he will grant me that little consideration for not doing so and that I am compelled under present circumstances to oppose this Bill. I am not responsible for the Bill not having been introduced in this House. Perhaps, Sir, it would have been proper to have introduced the Bill in this House inasmuch as the other Bill is more or less of an identical nature.

Mr. HUMAYUN KABIR: Sir, if the Hon'ble Minister is prepared to give a sort of general assurance, as appears from his reply, that in cases of Bills which originate in this House, the Government, on accepting the same, will generally introduce them in this House, I will not press this Bill of mine for reference to a Select Committee.

The Hon'ble Mr. H. S. SUHRAWARDY: I shall certainly keep this in view, Sir, and I have very great sympathy with the remarks that have been made by the hon'ble mover. To a very large extent, if I may say so, his grievance is justified.

Mr. PRESIDENT: Order, order, I shall now put the motion before the House.

The question before the House is that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of Public Health and Local Self-Government Department,
(2) Khan Bahadur M. Abdul Karim,
(3) Khan Bahadur Maulvi Mohammad Ibrahim,
(4) Maulana Muhammad Akram Khan,
(5) Mr. D. H. Wilmer,
(6) Rai Sahib Indu Bhusan Sarker,
(7) Mr. Shrish Chandra Chakraverti,
(8) Mr. Narendra Chandra Datta, and
(9) the mover,

with instructions to submit their report by the 31st August, 1938, and that the number of members whose presence shall be necessary to constitute a quorum, shall be three.

A division was claimed.

Mr. HUMAYUN KABIR: Sir, in view of the assurance given by Government, may I now withdraw my motion?

Mr. PRESIDENT: This should have been done before the division was claimed. Anyhow, I shall have to put the question again.

The question before the House is that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of Public Health and Local Self-Government Department,
(2) Khan Bahadur M. Abdul Karim,
(3) Khan Bahadur Maulvi Mohammad Ibrahim,
(4) Maulana Muhammad Akram Khan,
(5) Mr. D. H. Wilmer,
(6) Rai Sahib Indu Bhusan Sarker,
(7) Mr. Shrish Chandra Chakraverti,
(8) Mr. Narendra Chandra Datta, and
(9) the mover,

with instructions to submit their report by the 31st August, 1938, and that the number of members whose presence shall be necessary to constitute a quorum, shall be three.

The motion was lost.

Mr. LALIT CHANRA DAS: Sir, may we have your permission to finish the introduction of those Bills which require to be introduced? It will not take more than ten minutes, Sir.

Mr. PRESIDENT: If the House is unanimous on that point, the Chair will have no objection. Is there any objection?

Khan Bahadur ATAUR RAHMAN: I object, Sir.

Mr. PRESIDENT: As there is objection, I cannot take them up now.

The State Provision Bill for Clinical and Bacteriological Examination, 1937.

Mr. RANAJIT PAL CHOUDHURY: Sir, I beg to move that the State Provision Bill for Clinical and Bacteriological Examination, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of Public Health and Local Self-Government Department,
(2) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh,

(3) Khan Bahadur M. Abdul Karim,
(4) Mr. Kamini Kumar Dutta,
(5) Khan Bahadur Ataur Rahman,
(6) Mr. E. C. Ormond,
(7) Rai Surendra Narayan Sinha Bahadur,
(8) Khan Bahadur Naziruddin Ahmad,
(9) Rai Manmatha Nath Bose Bahadur, and
(10) the mover,

with instructions to submit their report within one month from the date of such reference and that the number of members whose presence shall be necessary to constitute a quorum, shall be four.

Sir, may I with your permission move a slight amendment in the personnel of the Select Committee?

Mr. PRESIDENT: You yourself cannot move any amendment to your own motion. Somebody else, I am afraid, will have to do it.

Mr. RANAJIT PAL CHOUDHURY: The object of my introducing this Bill is to benefit the poor, especially those who live in the villages. It was circulated for public opinion during the last session and about 95 per cent. of the opinions are in support of this Bill. It may be, that Government will have no objection to this. It may be, I presume, Sir, that Government will oppose this Bill on financial grounds. Their objection has been based on that consideration, but may I suggest that this objection might be overcome by the Select Committee who might remodel the Bill, so that the expenses of Government would be reduced to a minimum? The object of this Bill is not only to benefit the poor but it will also greatly improve the civil hospitals in the headquarters. There are many patients who cannot get the fullest advantage because perhaps their examination has not been thorough. In many cases patients have been known to die for want of proper examination and this Bill of mine proposes to eliminate that part of the difficulty. It will certainly mean incurring some expenditure but these expenses can be realised to a certain extent from the fees that we are going to charge. They will not be absolutely free but whatever the charges might be, they will be levied in such a manner as to cover the cost. In Western countries we find this practice very much in vogue and I would propose to the House to get a similar measure passed for Bengal. With these words, Sir, I move the motion.

Mr. PRESIDENT: Motion moved: that the State Provision Bill for Clinical and Bacteriological Examination, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of Public Health and Local Self-Government Department,
(2) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh,
(3) Khan Bahadur M. Abdul Karim,
(4) Mr. Kamini Kumar Dutta,
(5) Khan Bahadur Ataur Rahman,
(6) Mr. E. C. Ormond,
(7) Rai Surendra Narayan Sinha Bahadur,
(8) Khan Bahadur Naziruddin Ahmad,
(9) Rai Manmatha Nath Bose Bahadur, and
(10) the mover,

with instructions to submit their report within one month from the date of such reference and that the number of members whose presence shall be necessary to constitute a quorum, shall be four.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the object with which the Bill has been conceived. The question is how far we can support the financial implications behind this Bill. It is believed that this will necessitate the expenditure of a huge amount of money in every district and the question remains unanswered, so far as the Bill goes, as to who would pay the amount. The Bill says nothing about it. If it is paid by district boards and municipalities, then we have no objection to the Bill. But if the Government have got to pay the same, we are entitled to know what the amount would be and from what fund or savings the amount will be met. In this case——

Mr. PRESIDENT: Order, order. You need not labour that point.

Khan Bahadur NAZIRUDDIN AHMAD: I shall only refer to two opinions out of many that have been received. One is from the home district of my hon'ble friend the member-in-charge of this Bill, i.e., from Nadia; and another from the subdivision from which I believe my hon'ble friend comes; it is Ranaghat.

Mr. RANAJIT PAL CHOUDHURY: No, I do not come from Ranaghat.

Khan Bahadur NAZIRUDDIN AHMAD: I stand corrected. But Nadia is strongly against this Bill. I beg to submit that we ought first to solve the financial implication of the Bill. Subject to this, I am in full agreement with the general object and the scope of the Bill.

Mr. NARESH NATH MOOKERJEE: It is a pity, Sir, that my friend Khan Bahadur Naziruddin Ahmad has again been opposing this Bill on the ground of its financial implications. I am still more surprised because the Khan Bahadur comes from the district of Burdwan and he himself suffers from the lack of these amenities in his own place. I do not know what the people of his constituency will say when they will hear him objecting to or opposing a Bill of this kind. Can there be two opinions on the utility of a measure of this kind? While Calcutta continues to be the city of palaces, our countryside is full of huts with no amenities at all and even if there be a financial implication in a Bill of this kind, I do not see any reason for my friend's opposing it. After all, the motion is only for reference to a Select Committee and I dare say if there are financial difficulties or if other implications are involved, Government will certainly put their case forward and it will be a matter for us to see whether we can find ways and means to have the money. But at this stage simply for stirring up opposition, it will not be fair, particularly for a mufassil member, to oppose a Bill of this kind. We on this side of the House, Sir, are very often unnecessarily accused of indulging in opposition merely for the sake of stirring up obstruction, but Sir, I would draw the attention of my friends here to what the Khan Bahadur has consistently done this afternoon. I hope he will have an eye to the interests of his own constituency and be pleased to withdraw the objections that he has just raised on this measure.

Khan Bahadur NAZIRUDDIN AHMAD: My constituency has opposed it.

Mr. NARESH NATH MOOKERJEE: If that is the view of his constituency, I withdraw it, but I dare say that that does not apply to other members of this House. So far as we are concerned, we will certainly give our whole-hearted support to this Bill and I would certainly hope that my hon'ble friends on the other side of the House will also do the same, because this Bill is not only useful but the object it has in view, has reference to a crying need of the province. People die, not only poor people but even rich classes, in thousands every year in the countryside of Bengal for lack of proper diagnosis and amenities of this nature. It will be a shame particularly when we are considering to give the poor some relief, to oppose a Bill of this kind which is the least that we can do to give relief to the people whom we represent.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am sorry to have to oppose the motion and I believe that the Opposition anticipated it

as they know that this motion cannot but be opposed. There is a certain degree of confusion in the minds of some hon'ble members here as to the function of this House and the function of the Select Committee. They seem to think that this House is not a proper forum for the discussion of principles or even for the purpose of considering whether a Bill is practical or impractical from the financial point of view and that all that is necessary for this House is to consider whether a Select Committee should consider this matter or not. This is not so. Before this House refers this matter to a Select Committee it must consider whether the resolution or the suggestion or the Bill itself is at all practical in its nature. Now I wish to state at once to this House that so far as the establishment of clinical and bacteriological clinics in the various district towns is concerned, we are in every sympathy with it and we only wish that we had sufficient money to accept the suggestion, but there is a very grave principle involved in this, viz., whether in a matter of this nature the Government should be charged with a statutory obligation or not for the establishment, the functioning and the expenses of such clinics, which must depend upon the capacity of the Government to finance. There is, so far as I am aware, just one instance, namely, the Dacca University whose expenses are charged on the Government. If we have to accept the underlying principle of this Bill, we would have to provide statutory relief for almost anything that we can think of—statutory relief for a school, college, statutory relief for high schools one in each district or for colleges one in each district and for hospitals one in each district, for a dispensary in each Union Board, for anything you can think of—statutory relief for instance for so many tube-wells in every district, and so on. This is an obligation which is impossible for Government to undertake. We shall try our level best to see that the spirit underlying this Bill is carried out within the means at the disposal of the Government. After all there are various other matters which have to be considered quite apart from the establishment of clinics. We have to consider the question of giving medical aid to rural areas, we have to consider about the very urgent need of improving the water-supply, we have to consider the expenses of anti-malarial schemes. The cost of this scheme alone will not only come up to a non-recurring expenditure of more than Rs. 3 lakhs, but to a non-recurring expenditure of Rs. 1,42,560. Over and above this, there will be expenditure by Government for the repairs and upkeep of the premises they will have to establish. The Bill was circulated for eliciting opinion and as the hon'ble mover has said, 95 per cent. of the bodies to whom the Bill was circulated, have accepted or rather have given their benedictions to the object of this Bill, but not one of them has offered to pay anything towards the expenses of operating this scheme, not one of them has come forward with a promise that if this is put into action they will meet the recurring cost. The hon'ble mover has said "we shall try and meet it somehow

or other from the fees." It is obvious that from the fees he will not be able to raise such a large sum of money and the Bill as a matter of fact rightly provides that only such fees might be charged as might be realised from the poor, which really means hardly any fees. How the non-recurring expenses will be met is not at all outlined in this Bill, so I am afraid I have no other alternative but to oppose it inasmuch as it is impossible for Government to accept a statutory liability of this nature.

Mr. PRESIDENT: The question before the House is that the State Provision Bill for Clinical and Bacteriological Examination, 1937 be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. H. S. Suhrawardy, Minister in charge of Public Health and Local Self-Government Department,
(2) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh,
(3) Khan Bahadur M. Abdul Karim,
(4) Mr. Kamini Kumar Dutta,
(5) Khan Bahadur Ataur Rahman,
(6) Mr. E. C. Ormond,
(7) Rai Surendra Narayan Sinha Bahadur,
(8) Khan Bahadur Nazirudd'n Ahmad,
(9) Rai Manmatha Nath Bose Bahadur, and
(10) the mover,

with instructions to submit their report within one month from the date of such reference and that the number of members whose presence shall be necessary to constitute a quorum, shall be four.

A division was claimed.

Mr. NARESH NATH MOOKERJEE: Sir, what is the position with regard to the other Bills that are due for introduction in this House?

Mr. PRESIDENT: Order, order. You cannot ask any question of the Chair during a division. If you have got to ask any other question except about the division, you can do so after it is over and not now.

The House divided.

AYES—14.

Banerjee, Rai Bahadur Keshab Chandra.
Bose, Rai Bahadur Manmatha Nath.
Choudhury, Mr. Monzzemali.
Chowdhury, Mr. Hamidul Huq.
Das, Mr. Lalit Chandra.
Gosyami, Mr. Kanai Lal.
Kabir, Mr. Humayun.
Maitra, Rai Bahadur Brojendra Mohan.
Mookerjee, Mr. Naresh Nath.
Pal Choudhury, Mr. Ranajit.
Poddar, Mr. H. P.
Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
Sanyal, Mr. Sachindra Narayan.
Sinha, Rai Bahadur Surendra Narayan.

NOES—26.

Ahmad, Khan Bahadur Nasiruddin.	Hossain, Mr. Latafat.
Ahmed, Mr. Mosharuddin.	Hossain, Mr. Mohamed.
Ahmed, Mr. Nur.	Huq, Mr. Syed Muhammad Ghazimi.
Barua, Dr. Arabinda.	Ibrahim, Khan Bahadur Maulvi Mohammad.
Bouthal, Sir E. C.	Jan, Alhaj Khan Bahadur Shaikh Muhammad.
Chowdhury, Khan Sahib Abdul Hamid.	Khan, Maulana Muhammad Akram.
Chowdhury, Mr. Khorshed Alam.	Lamb, Mr. T.
Chowdhury, Khan Bahadur Rezzaqul Haider.	McFarlane, Mr. J.
Cohen, Mr. D. J.	Molla, Khan Sahib Subadali.
D'Rozario, Mrs. K.	Momin, Begum Hamida.
Elahi, Khan Bahadur S Fazal.	Rashid, Khan Bahadur Kazi Abdur.
Haider, Nawabzada Kamruddin.	Ray, Mr. Nagendra Narayan,
Hossain, Khan Bahadur Saiyed Muazzamuddin.	Singh Roy, Mr. Satiseswar.

The motion was negatived.

Mr. HUMAYUN KABIR: Sir, I beg to move that the remaining Bills proposed to be introduced, be now taken up. It will only take five minutes or so.

Mr. PRESIDENT: Has any member any objection to the introduction of the Bills put down on the List of Business to be taken up, out of turn, now? (Cries of "no", "no".)

As there is no objection from any member of the House, I now propose to take up these Bills.

XIX.—The Bengal Repressive Laws Repealing Bill, 1938.

Mr. LALIT CHANDRA DAS: Sir, I beg to move for leave to introduce the Bengal Repressive Laws Repealing Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XX.—The Bengal Estates Partition (Amendment) Bill, 1938.

Rai BROJENDRA MOHAN MAITRA Bahadur: Sir, I beg to move for leave to introduce the Bengal Estates Partition (Amendment) Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXI.—The Presidency Small Cause Court (Amendment) Bill, 1938.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I beg to move for leave to introduce the Presidency Small Cause (Amendment) Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXII.—The Bengal Land Alienation Bill, 1938.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move for leave to introduce the Bengal Land Alienation Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXIII.—The Bengal Public Gambling (Amendment) Bill, 1938.

Mr. H. P. PODDAR: Sir, I beg to move for leave to introduce the Bengal Public Gambling (Amendment) Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXIV.—The Bengal Juvenile Smoking (Amendment) Bill, 1938.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Juvenile Smoking (Amendment) Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXV.—The Indian Registration (Amendment) Bill, 1938.

Rai SURENDRA NARAYAN SINHA BAHADUR: Sir, I beg to move for leave to introduce the Indian Registration (Amendment) Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXVI.—The Bengal Patni Taluks Regulation (Amendment) Bill, 1938.

Khan Bahadur REZZAQUL HAIDER CHOWDHURY: Sir, I beg to move for leave to introduce the Bengal Patni Taluks Regulation (Amendment) Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXVII.—The Bengal Shop Prices Regulation Bill, 1938.

Mr. HUMAYUN KABIR: Sir, I beg to move for leave to introduce the Bengal Shop Prices Regulation Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXVIII.—The Bengal Abolition of Dowry Bill, 1938.

Rai SURENDRA NARAYAN SINHA BAHADUR: Sir, I beg to move for leave to introduce the Bengal Abolition of Dowry Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXIX.—The Bengal Food Adulteration (Amendment) Bill, 1938.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Food Adulteration (Amendment) Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXX.—The Bengal Prohibition Bill, 1938.

Mr. LALIT CHANDRA DAS: Sir, I beg to move for leave to introduce the Bengal Prohibition Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXXI.—The Bengal Suppression of Immoral Traffic (Amendment) Bill, 1938.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Suppression of Immoral Traffic (Amendment) Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

XXXII.—The Bengal Local Option Bill, 1938.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Local Option Bill, 1938.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: Order, order. I am to inform the hon'ble members that the Governor has been pleased to allot to-morrow, Tuesday, the 23rd August, 1938, for the discussion of the three motions under section 118 of the Rules and Standing Orders in the following order:—

(*1*) By Mr. Lalit Chandra Das, regarding the appointment to the Governorship of the province;

(*2*) By Mr. Nur Ahmed, regarding the provincialisation of the Indian Civil Service, the Indian Police Service and the Indian Medical Service;

(*3*) By Rai Keshab Chandra Banerjee Bahadur, regarding restrictions imposed on the Bengalees by the Government of Bihar.

I shall now adjourn the House.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 23rd of August, 1938.

Members absent:

The following members were absent from the meeting held on the 22nd August, 1938:—

(1) Baksh, Mr. Kader.
(2) Dutta, Mr. Kamini Kumar.
(3) Esmail, Khwaja Muhammad.
(4) Ferguson, Mr. R. W. N.
(5) Karim, Khan Bahadur M. Abdul.
(6) Khan, Khan Bahadur Muhammad Asaf.
(7) Mookerji, Dr. Radha Kumud.
(8) Mukherji, Rai Bahadur Satis Chandra.
(9) Ormond, Mr. E. C.
(10) Rahman, Mr. Mukhlesur.
(11) Roy, Rai Bahadur Radhica Bhusan.
(12) Roy Chowdhury, Mr. Krishna Chandra.
(13) Sen, Rai Sahib Jatindra Mohan.

B. G. Press—1938-39—6799A—760.

THE BENGAL LEGISLATIVE COUNCIL DEBATES

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 23rd August, 1938, at 2-15 p.m., being the tenth day of the Second Session, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

QUESTIONS AND ANSWERS

The Wardha Educational Scheme.

77. Mr. NUR AHMED: (*a*) Has the attention of the Hon'ble Minister in charge of the Education Department been drawn to the Wardha Educational Scheme, recently prepared by an expert Committee at Wardha and already introduced in some of the provinces?

(*b*) If so, has the Hon'ble Minister examined the said scheme?

(*c*) Does the Hon'ble Minister desire to introduce that scheme in some selected area by way of experiment? If not, why not?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Minister in charge of the Education Department): (*a*) and (*b*) Yes.

(*c*) No, because I consider the scheme an impracticable one.

Full day's work on Saturdays in the office of the Registrar of Assurances, Calcutta.

78. Mr. RANAJIT PAL CHOUDHURY (on behalf of Mr. Shrish Chandra Chakraverti): (*a*) Is the Hon'ble Minister in charge of the Education Department aware of the fact that the employees of the office of the Registrar of Assurances, Calcutta, are compelled to work on the full day on Saturdays while all other Government employees in Calcutta get half holiday?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state the reasons for such differentiation in the case of the employees of the office of the Registrar of Assurances, Calcutta?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Minister in charge of the Education Department): (*a*) No.

(*b*) Does not arise.

Free and compulsory primary education in Chittagong.

79. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state what amount of money will be required for the introduction of the free and compulsory primary education in the rural areas of the Chittagong district? How much of it will be raised by the levy of the education cess?

(*b*) Will the Hon'ble Minister be pleased to state on what principles the education cess is being levied and how much per rupee of the cess is payable by the superior landlord and how much per rupee is payable by the *raiyats*? Is it a fact that the zemindars will be entitled to realise Rs. 1-12 from the tenants in lieu of Rs. 1-4 paid as cess? If so, what are the reasons?

(*c*) Is it a fact that under the provision of the Bengal Rural Primary Education Act of 1930, education cess is leviable at the rate of 5 pies, of which 3½ pies is to be payable by the tenant and 1½ pies by the landlord? If so, why in actual working is this provision not followed?

(*d*) Is it a fact that this rule of levying cess is causing hardship to the tenants? If so, does the Hon'ble Minister intend to issue some specific order in conformity with the provision of the Primary Education Act of 1930 and, if that is not possible, to amend the Act with that purpose?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Minister in charge of the Education Department): (*a*) to (*d*) In view of the agitation against the cess, genuine or engineered, I have suspended its realisation for the present, pending further enquiry. The questions do not therefore arise at the moment.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state why no answer has been given to any of the questions? My question is a general question and it has nothing to do with the education cess.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have nothing further to add to what has already been stated in the answer.

Mr. NUR AHMED: May I know from the Hon'ble Minister why no specific answer has been given to any of my questions? The answer does not relate to my question.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already said that the answer indicates that the education cess has been suspended and so all the other things do not arise at the moment.

Mr. HAMIDUL HUQ CHOWDHURY: May I ask the Hon'ble Minister to read the question and see whether the answer he has given relates to any of the questions asked by the hon'ble member?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If I am further pressed for information, I must ask for notice.

Mr. PRESIDENT: Order, order. It is not a supplementary question for which a notice may be demanded by the Minister. The question is clear "What amount of money will be required for the introduction of free and compulsory primary education in the rural areas of the Chittagong district"? It is difficult for the Chair to realise why notice is necessary for this question

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out that the question asked is, how much money will be required for the introduction of free and compulsory education in the rural areas of the Chittagong district? The basis of this question is that free and compulsory education is going to be introduced in the Chittagong district. The Hon'ble Minister has stated that it is being suspended.

Mr. PRESIDENT: Suspension does not mean that it will not be introduced later on.

The Hon'ble Mr. H. S. SUHRAWARDY: The answer is "The questions do not therefore arise at the moment". They will arise when it will be introduced. Then I take it that Government will be in a position to say how much money will be required.

Mr. PRESIDENT: The question is not when the Act will be introduced; the question is, what will be the amount of money necessary when the Act is enforced?

The Hon'ble Mr. H. S. SUHRAWARDY: Then it becomes a hypothetical question for the future.

Mr. PRESIDENT: I do not think so and this is a question for which a notice should not be required. The difficulty is that the Hon'ble Minister in charge of the Education Department is not present. Had he been here he could have given some idea about the cost.

Mr. HAMIDUL HUQ CHOWDHURY: May I ask whether it is within the pleasure of the Minister to refuse to answer at any time in this way?

Mr. PRESIDENT: I think the Hon'ble Ministers have the right to refuse to answer; but they must say so, stating the grounds for such refusal. This question will be sent to the Hon'ble Minister in charge of the Education Department who may give any answer he likes and that answer will be sent to the hon'ble member

Educational regeneration of the Buddhist community.

80. Dr. ARABINDA BARUA: (*a*) Is the Hon'ble Minister in charge of the Education Department aware of the needs and requirements of the Buddhist community of Bengal for their educational regeneration?

(*b*) If not, do Government propose—

(*i*) to reorganise the Buddhist monastic education by the grant of Government subsidies to the different Buddhist monasteries in Bengal;

(*ii*) to encourage general and vocational education amongst the Buddhists by the provision of stipends and special scholarships for students belonging to the Buddhist community;

(*iii*) to encourage women's education in the Buddhist community by the establishment of a few middle English and high English schools in some predominantly Buddhist villages in Bengal, and

(*iv*) to give representation to the Buddhists in the different educational institutions and organisations responsible for the shaping of the educational policy of this province?

(*c*) Are Government aware that all such steps, if taken by them, would advance the cause of educational regeneration of the Buddhist community of Bengal?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK (on behalf of the Minister in charge of the Education Department): (*a*) Yes. A representation from the President, Bengal Buddhist Association, urging the points, referred to, is under consideration.

(*b*) Does not arise.

(*c*) Yes.

Persons under orders of externment.

81. **Mr. LALIT CHANDRA DAS:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the names of the Bengalees who are still under orders of externment—

(*i*) from Bengal,

(*ii*) from the native districts, and

(*iii*) from the notified area under the Bengal Smuggling of Arms Act;

(*b*) whether Srijuts Sachindra Nath Baksi and Joges Chandra Chatterjee came to Bengal after completing their sentences of transportation for life in connection with the Kakori Conspiracy Case and whether their entry, residence and stay in Bengal has been prohibited by the Government for an indefinite period;

(*c*) if so, what grounds arose after their release for such an order;

(*d*) whether similar notices banning entry, residence and stay in Bengal have also been served on Srijuts Manmatha Gupta, Damodar Swrup, Sachindra Nath Biswas, Bhupendra Sanyal and Gobinda Kar, ex-Kakori prisoners;

(*e*) if so, whether the Hon'ble Minister is aware that the Congress Governments of other provinces in concurrence with their respective Governors released them on the ground that their release was in no way detrimental to public peace or safety;

(*f*) if so, what grounds arose for Bengal Government to serve such notices prohibiting their entry into Bengal; and

(*g*) for how long the ban on the externees will continue?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) I regret I cannot give the names.

(*b*) Yes.

(*c*) They are externed for reasons connected with the public safety.

(*d*) Yes, except Srijuts Sachindra Nath Biswas and Damodar Swrup.

(*e*) I have no information.

(*f*) and (*g*) The hon'ble member is referred to the answer to part (*c*) above.

Ex-detenu Srijut Advaita Datta.

82. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether it is a fact that Srijut Advaita Datta, a detenu now released, has been in the Medical College Hospital where he underwent two operations successively; and whether on the 29th May last he was discharged from the hospital on receipt of the order of release from internment and even before he fully recovered from his sickness for which he was admitted into the hospital;

(*b*) whether being discharged the said Advaita Babu took shelter at 2, Dinanath Mitra Lane, Calcutta; and whether his operation wounds required dressing even then and whether he was advised to take special diet and medicines;

(*c*) whether the Government is aware that the said Advaita Babu's family condition during his long detention was reduced to such a state that it was impossible for the family to provide him with proper nourishment and treatment;

(*d*) on what ground before his operation wounds were completely and radically cured, the said Advaita Babu was discharged from the hospital;

(*e*) if there is any rule in hospital that a patient, once admitted into it for treatment, can be discharged before complete recovery and if order of release can be served on a detenu in the hospital before his complete recovery; if so, whether the Hon'ble Minister will please give the refernce;

(*f*) whether it is a fact that the said Advaita Babu's family was granted a monthly allowance of Rs. 30 which was discontinued three years ago; if so, why;

(*g*) whether the Government is aware that Advaita Babu himself an invalid, cannot move in quest of employment nor is there any other earning member of the family to whom he can look forward for regular help; and

(*h*) whether the said Advaita Babu has applied to Government for adequate allowance; if so, what has been the fate of his application?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*), (*b*), (*d*) and (*e*) He was detained in hospital for twenty-seven days after orders of detention had been withdrawn and was then discharged by the Surgeon in charge of his case who considered him fit to leave. He had been operated on for removal of tonsils and hernia, the latter on the 25th April, 1938. The

normal period of detention in hospital in such a case is twelve days but he was not discharged till the 29th May, 1938, as he developed a small stitch abscess which required dressing after he left the hospital. He returned twice for the purpose and was attended to. His discharge from hospital had no connection with the withdrawal of orders of detention by Government.

(*c*) That is not my information.

(*f*) Yes, because enquiry indicated that the family had adequate means.

(*g*) I have no such information. There is no indication that he is incapacitated, and enquiry indicates that his family have means to support him without help from Government.

(*h*) His application has been rejected.

Assault on Srijut Subhas Chandra Bose.

83. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether on the 15th June last, Srijut Subhas Chandra Bose, President of the Indian National Congress, on alighting with his party at Brahmanbaria and while going to the town, was assaulted by a batch of Muhammadans with a shower of brickbats;

(*b*) whether those Muhammadans wore black badges in their shirts, had black flags and were the adherents of the Moslem League;

(*c*) whether their brickbats struck the Congress President, Srijut Subhas Chandra Bose, inflicting wounds on him as also on several others of his party necessitating the removal of some to the hospital;

(*d*) whether the police knew from before that a party of hostile demonstrators would gather and whether at the place of occurrence or at any other place the police adopted any preventive measures;

(*e*) if so, what were those measures and at which part of the town;

(*f*) at what particular part of the town the incident took place;

(*g*) whether it is a fact that the police neglected their duty by not preventing the occurrence of violence on President Bose and his party on that day;

(*h*) whether the Hon'ble Minister is aware that the Moslem League from the very beginning, at the instance of Mr. Jinnah, were opposed to Congress Mass Contact Movement;

(*i*) whether the Hon'ble Minister is aware that instructions were sent out from the provincial headquarters of the Moslem League to oppose the Congress President's Mass Contact Movement during his tour in the Chittagong Division;

(*j*) whether the paper *Azad* supported such a move; if so, whether such support was not calculated to stir up strife;

(*k*) whether it is the intention of the Government to allow all legitimate activities of the Congress in Bengal; and

(*l*) if so, what steps Government intend to take to give such facilities and to prevent recurrence of such incidents in future?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Some brickbats were thrown by some Muhammadans at the procession.

(*b*) Muhammadans, wearing black badges and carrying flags, were not responsible for the stone-throwing, which was carried on by another group of Muhammadans at some distance from the route of the procession. It is imposible to say whether these latter Muhammadans were members of the Muslim League. The Muslim League passed a resolution the same evening condemning the stone-throwing.

(*c*) Sj. Subhas Bose sustained a slight injury on his neck and about fifteen other persons were injured, some of whom were treated as out-patients at the local hospital.

(*d*) and (*e*) The police had no reason to suppose that a crowd of hostile demonstrators would gather, since both the Congress party and the Muslim League had taken out licences for the procession which they wished to hold. As a precaution however small bands of constables were posted at various parts of the town. (There was no force at the place of occurrence.)

(*f*) At the junction of the station road and the main road through the bazar, north of the railway lines.

(*g*) No.

(*h*) and (*k*) Yes.

(*i*) and (*j*) I have no information.

(*l*) Fullest facilities are and will be granted. Local authorities will see that Congress or any other political party is not interfered with by hooligans.

Mr. LALIT CHANDRA DAS: With reference to answer to part (*b*), will the Hon'ble Minister be pleased to state Muslim League of what place passed a resolution condemning the stone-throwing?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe the local Muslim League of Brahmanbaria.

Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister be pleased to state if the incident was the result of provocation coming from the Congress party?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would rather not express any opinon on this subject.

Khan Sahib ABDUL HAMID CHOWDHUHY: Will the Hon'ble Minister be pleased to enquire into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: The incident is closed; no further investigation is necessary.

Mr. RANAJIT PAL CHOUDHURY: Arising out of answer to part (*e*), will the Hon'ble Minister be pleased to state if there were any armed guards or constables in the procession?

The Hon'ble Khwaja Sir NAZIMUDDIN: The constables were posted along the route but unfortunately there was none at the place of occurrence.

Mr. LALIT CHANDRA DAS: With reference to answer to clauses (*d*) and (*e*), will the Hon'ble Minister be pleased to state if it is a fact that two trains passed Brahmanbaria about mid-day, one preceding the other by half an hour? Is it a fact that the first train which passed Brahmanbaria did not carry the President of the Congress, and that there was stone-throwing as well as throwing of worn-out shoes at the carriages of the first train also?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe there was a complaint to this effect, not about stone-throwing, but throwing of a shoe which came to the notice of the Sub-divisional Police Officer shortly before the arrival of Mr. Subhas Bose.

Mr. LALIT CHANDRA DAS: Now in view of the fact that the police knew about the throwing of worn-out shoes at the carriages of the earlier train preceding the other which carried the Congress President by half an hour, will the Hon'ble Minister be pleased to state if the police did take any precaution to remove the crowd at the junction of the road at the railway station near the gate?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information came to the Subdivisional Police Officer just before the arrival of Mr. Subhas Bosé. There was no time for taking any action.

Maulana MUHAMMAD AKRAM KHAN (in Bengali): A statement signed by many Muslims of Brahmanbaria to the effect that the people were quite silent and peaceful and Mr. Ashrafuddin Ahmed Chowdhury, the Secretary of the Bengal Provincial Congress Committee, filled with the spirit of victory, created excitement, was published in such Muslim papers as "Azad", "Muhammadi" and the "Star of India". Will the Hon'ble Minister please enquire about that?

The Hon'ble Khwaja Sir NAZIMUDDIN: As already stated, I do not think it advisable to hold any further enquiry into this matter.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if it is a fact that Mr. Ashrafuddin Ahmed Chowdhury, Secretary of the Bengal Provincial Congress Committee, was in the same car with the President of the Congress?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe that is so; I am not sure.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether any police arrangement was made at the junction of the road near the railway gate half an hour before the arrival of the train which carried the President of the Indian National Congress to Brahmanbaria?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to my answers to clauses (*d*) and (*e*) of the question.

Political prisoner Srijut Dhirendra Kumar Bhattacharjya.

84. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that the Inter-Provincial Conspiracy convict Srijut Dhirendra Kumar Bhattacharjya, B.A., of Comilla, was repatriated from the Andaman Jail on medical grounds?

(*b*) Is it a fact that on the 19th June last, his brother, Srijut Indu Bhusan Bhattacharjya, with a sister and another brother was for the first time granted permission to interview the said Dhirendra Babu at the Dum-Dum Jail?

(*c*) Is it a fact that the said Dhirendra Babu has changed for the worse beyond recognition because of various ailments? What was his weight when he first entered jail and what is his weight now?

(*d*) Is it a fact that the said prisoner simply dragged himself to the place of interview and after a minute's talk literally perspired and breathed hard and could not even talk any further?

(*e*) Is it a fact that the said prisoner is suffering from—

(*i*) constant excruciating pain in the throat with incessant coughs;

(*ii*) constant pain in the chest and in the back;

(*iii*) slow fever in the evening;

(*iv*) palpitation of heart on slight movement which compels him to remain almost always in bed;

(*v*) troubles in the eye and teeth; and

(*vi*) anæmia?

(*f*) Is it a fact that the said prisoner was removed to the Medical College Hospital on the 21st May, 1938, and placed in cabin No. 4 of the European Ward? If so, is it a fact that he had been taken away from the hospital without any sort of treatment and that he was not informed of the reason? Why was he thus taken away from the hospital?

(*g*) Will Government be pleased to release the said prisoner on grounds of health acting under section 401 of the Criminal Procedure Code?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Yes.

(*c*) I have no such information. His weight on first admission to jail was 103 lbs. and his present weight is 104 lbs.

(*d*) Officers who were present at the interview report that there were no outward signs of physical exhaustion.

(*e*) (*i*) There is a slight irritation but no excruciating pain or incessant cough.

(*ii*) to (*iv*) and (*vi*) No.

(*v*) Yes.

(*f*) He was sent to Medical College Hospital on the 21st May, 1938, and was brought back to jail on the 26th May, 1938, on the advice of the Medical Officer of the hospital after diagnosis had been completed and treatment in jail prescribed.

(*g*) His condition is not considered such as to justify such action.

All-India Kisan Sabha at Comilla.

85. Rai BROJENDRA MOHAN MAITRA Bahadur (on behalf of Mr. Kamini Kumar Dutta): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if the Government are aware—

(*i*) that the last session of the All-India Kisan Sabha was held at Comilla on the 14th and 15th May, 1938;

(*ii*) that there was organised hooliganism and open rowdyism by a band of people in the presence of the police authorities, who were witnessing such acts of rowdyism without taking any steps for their prevention;

(*iii*) that motor cars conveying respectable Krisak leaders, like Maulvi Asimuddin Ahmed, M.L.A., and Maulvi Abdul Wahed, B.L., Pleader, were attacked and stoned on the 14th May by the rowdies in the town of Comilla in the presence of European officers, such as the then Military Intelligence Officer and officers attached to the military regiment and stationed at Comilla, that the Military Intelligence Officer not only did not prevent the rowdyism but on the other hand taunted the Krisak leaders, pointing out to them their badge of Krisak Sabha and refused to render any help or protection to them;

(*iv*) that Maulvi Abdul Wahed, B.L., Pleader, Judge's Court, made an open statement in the meeting of the Krisak Sabha on the 15th May, regarding the above acts of hooliganism and the attack on his motor car and the refusal of the Military Intelligence Officer to render any help to him or to prevent the rowdyism; if so, will the Government be pleased to state why no action was taken against him if the allegations were not true; and

(*v*) that the then Military Intelligence Officer, Captain Gregory, was present in a meeting of the local League Committee before the session of the Krisak Sabha at Comilla and that this fact was openly stated in the presence of the Government Reporters by Maulvi Abdul Wahed, B.L., in the meeting of the Kisan Sabha on the 15th May; if so, will Government be pleased to state why no action was taken against the person making such allegations publicly, if they were not true? Was any contradiction issued by the Government to such public allegations made; if not, why not?

(*b*) Will Government be pleased to state whether it is the policy of the Government to be hostile to the peasant movement and peasant

organisation? If not, will they be pleased to state why the local officials aided and abetted in the rowdyism of some persons against such organisations?

(*c*) Have Government made any enquiry into these alleged acts of hooliganism and the inactivity of the responsible Government officials to prevent this rowdyism during the session of the Kisan Sabha?

(*d*) Do Government propose to inquire into the conduct of the Military Intelligence Officer as to why in spite of his presence he allowed the public to be molested by a band of rowdies?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) On the 14th May, a scuffle took place between a body of Muslim League members and cultivators opposite the police office. This was seen by three Military Intelligence Officers, and the Officer commanding the military detachment, who at once proceeded from the military mess where they were standing, to the scene, and dispersed the conflicting groups.

(*iii*) On the 14th May last a car pursued by a body of men on foot but not as far as could be seen, subjected to bombardment by stones, entered the compound of the military mess. The sentry drove off the pursuers while the officers mentioned above ran down to meet the occupants of the car, including Maulvi Abdul Wahed. The occupants of the car complained of being stoned but when asked to make a written complaint, declined. They were then asked to leave after the Military Intelligence Officers had dispersed the crowd.

During the course of the conversation one of the officers touching a badge worn by Maulvi Abdul Wahed enquired what it was but received no reply. Far from receiving no help or protection from the officers present, the organisers of the conference would in all probability have suffered serious injury had not the officers fortunately been standing on the steps of the mess and run at once to the scene when they took refuge in the compound and had they not also ensured a safe passage through the crowd when they left the compound.

(*iv*) and (*v*) Many misrepresentations were made during the meeting and elsewhere: misrepresentations are so common that Government regrets it is unable to undertake to refute them all or take action against those responsible for them.

(*b*) No. The allegation against the local officers is unfounded.

(*c*) and (*d*) Do not arise.

Arrest of Mr. Niharendu Dutta Majumdar at Comilla.

88. Rai BROJENDRA MOHAN MAITRA Bahadur: (on behalf of Mr. Kamini Kumar Dutta): (*a*) Will the Hon'ble Minister in charge

of the Home Department be pleased to state the reasons for the application of the Suppression of Terrorist Outrages Act in the case of the arrest of Mr. Niharendu Datta Majumdar with his companions at Comilla on the 22nd February, 1938?

(*b*) Is it a fact that the order to leave the district of Tippera was passed and signed on the 1st February, 1938, a date on which the aforesaid persons, against whom the order was directed, were in Calcutta?

(*c*) Is the Government aware of a strong public feeling against such action of the District Magistrate of Tippera in arresting the persons without warrant and notice?

(*d*) Do Government propose to enquire into the conduct of the officers concerned in this case?

(*e*) Do Government propose to direct an enquiry into the whole matter?

(*f*) Has the Government made any enquiry into the matter and specially as to any justification for having resort to the provision of the Bengal Suppression of Terrorist Outrages Act in this case?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The circumstances of the visit were such as to encourage a revival of the terrorist organisations in the district.

(*b*) and (*f*) Yes.

(*c*) to (*e*) No.

87. Rai BROJENDRA MOHAN MAITRA Bahadur (on behalf of Mr. Kamini Kumar Dutta): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Mr. Niharendu Dutta Majumdar, M.L.A., was arrested at Comilla railway station with his companions, Babu Ananta Kumar Mukherjee and Mr. Abdul Momen just as they alighted from the train on the 22nd February last?

(*b*) When did the local authorities decide to arrest them?

(*c*) What were the grounds for their arrest?

(*d*) Were they immediately taken to jail custody; if so, for what reasons? Is it a fact that they were presented at the jail gate without any warrant for jail custody and the warrant had to be procured afterwards?

(*e*) Is it a fact that no opportunity was given to them for having their bedding with them and to take food before being taken to jail?

(*f*) Was any intimation given to the Hon'ble Minister concerned before adopting this measure?

(*g*) Is it a fact that the request of the lawyers for an interview with the aforesaid gentlemen in jail for the purpose of instruction was allowed, subject to the condition of the Magistrate being present at the interview?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes: on the 2nd February, 1938.

(*b*) When they refused to accept notices of externment.

(*c*) *Vide* answer to question No. 86.

(*d*) Yes: in order to forestall any disorder which might arise if they were lodged in police *hajat*.

(*e*) No audible request was made for bedding. As their removal to jail was effected forthwith there was no opportunity for them to take food.

(*f*) No.

(*g*) Yes.

88. Rai BROJENDRA MOHAN MAITRA Bahadur (on behalf of Mr. Kamini Kumar Dutta): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether the local authorities received any intimation that Mr. Niharendu Datta Majumdar was going in connection with the All-India Krisak Conference in Tippera;

(*b*) whether Mr. Niharendu Datta Majumdar along with his companion, Mr. Ananta Kumar Mukherjee, was released on bail by the Sessions Judge of Tippera on appeal;

(*c*) whether Mr. Niharendu Datta Majumdar and Mr. Ananta Kumar Mukherjee were ordered by the District Magistrate of Tippera by notice, dated the 8th and 9th April, 1938, to surrender themselves forthwith to bail and on arrival in Tippera to surrender themselves into the custody of the police;

(*d*) whether the police took Mr. Niharendu Datta Majumdar and Mr. Ananta Kumar Mukherjee into custody on their arrival at Chandpur after the said order of the 8th and 9th April, 1938, and detained them in custody till production before the Magistrate; and

(*e*) whether the action taken by the local officials in the said case was justified; if not, do Government propose to take any action against the said officials concerned; if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*d*) Yes.

(*e*) The action was justified.

89. Rai BROJENDRA MOHAN MAITRA Bahadur (on behalf of Mr. Kamini Kumar Dutta): Will the Hon'ble Minister in charge of the Home Department be pleased to state if the Government intend to rescind the order passed against Mr. Niharendu Datta Majumdar and Mr. Ananta Kumar Mukherjee under the Bengal Suppression of Terrorist Outrages Act on the 1st February, 1938? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: The matter has been left to the discretion of the District Magistrate, Tippera.

Proscribed books.

90. Rai BROJENDRA MOHAN MAITRA Bahadur: (on behalf of Mr. Kamini Kumar Dutta): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the names of the books on which there is any ban and order of proscription; and

(*ii*) whether the Government intend to remove the ban?

(*b*) Will the Hon'ble Minister be pleased to give a list of the places which have been notified under the provisions of the Criminal Law Amendment Act, 1908 (amended in 1932 and thereafter), to come under possession of the Government?

(*c*) Are all the aforesaid notifications still in force or have some of them been withdrawn?

(*d*) If the answer to clause (*c*) be in the affirmative, will the Hon'ble Minister be pleased to enumerate the notified places in respect of which the notification has been withdrawn? Has possession been delivered back in respect of those places?

(*e*) If the answer to part (*c*) be in the negative, will the Hon'ble Minister be pleased to state if the Government intend to withdraw those notifications and release those places?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) The attention of the hon'ble member is invited to the lists of publications proscribed, copies of which are placed in the Library.

(*ii*) Government are not prepared to make a general statement but are ready to consider individual cases on merit on receipt of applications from the authors concerned.

(*b*) (1) The Contai National School at Contai, Midnapore.

(2) The house of Babu Satya Charan Mukherjee at Ballavpore, Midnapore town.

(3) Abhoy Asram and Congress Committee, Samsabad, Dacca,

(4) Malikanda Asram, Dohar, Dacca.

(5) Abhoy Asram at Dhulipara, Comilla town.

(*c*) and (*d*) Notifications have been withdrawn, and possession delivered in all cases except (1) Malikanda Asram, Dohar, Dacca, and (2) Abhoy Asram, Dhulipara, Comilla.

(*e*) The notification in respect of the Malikanda Asram, Dacca, will shortly be withdrawn and possession delivered back. The case of the Abhoy Asram, Comilla, is still under consideration.

Tuberculosis Ward in Comilla Jail.

91. Rai BROJENDRA MOHAN MAITRA Bahadur (on behalf of Mr. Kamini Kumar Dutta): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Government propose to allow the prisoners of the Comilla Jail suffering from and affected with tuberculosis, to be located in a portion of the same jail and whether the tuberculosis prisoners' shed is located in the vicinity of highly congested quarters of the town?

(*b*) Do Government propose to stop segregation of the tuberculosis prisoners in that shed and make provision of segregation of the tuberculosis prisoners somewhere else?

(*c*) Is the location of the said accommodation for the tuberculosis prisoners inside the same compound of the jail and in close proximity to the other premises occupied by the other prisoners? Are Government aware that such segregation in close proximity of other healthy prisoners, involves the risk of infection to other prisoners? If not, do they propose to enquire through expert medical men? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) They are accommodated in a separate shed within the jail compound, the nearest houses are over a hundred feet away on the other side of a fifteen-foot wall; and the neighbouring locality is not congested.

(*b*) No.

(*c*) The hon'ble member is invited to refer to the answer to part (*a*) above. The risk of infection to other prisoners or members of the public, is, I am advised, negligible.

Poor Box.

92. **Mr. NARESH NATH MOOKERJEE:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether a fund called the "Poor Box" is maintained by the Commissioner of Police, Calcutta, or any other police officer acting on his behalf, to which contributions are made by the public?

(*b*) If the answer to part (*a*) be in the affirmative, will the Hon'ble Minister be pleased to give the following information:—

(*i*) the amount of money which was received in the "Poor Box" during the year 1936-37;

(*ii*) whether the contributions are voluntary;

(*iii*) the circumstances in which the contributions are made;

(*iv*) for what purpose the money received is utilised; and

(*v*) the names of the persons and institutions, to whom payments were made out of this fund during the year 1936-37, as well as the amounts paid to each?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) By the Commissioner of Police, Calcutta.

(*b*) (*i*) Rupees 3,709-5-6.

(*ii*) The receipts of the poor box fund consist of (1) voluntary contributions made by the public; (2) charges realised by the police for keeping in their custody the properties made over to them by the carters, etc., when the latter are unable to find out the owners thereof; and (3) contribution made by the contractor for erecting stands on the Calcutta maidan.

(*iii*) To furnish the information would entail such an expenditure of time, labour and money that I am unable to supply it.

(*iv*) For giving relief to persons in distress.

(*v*) To compile the list would entail such an expenditure of time, labour and money that I am unable to furnish the information.

Mr. NARESH NATH MOOKERJEE: With reference to answer to part (*iv*), I submit, Sir, that the reply given is very vague. May we know what the Hon'ble Minister actually means by "giving relief to persons in distress"? Are moneys from this fund distributed amongst persons or among charitable institutions?

The Hon'ble Khwaja Sir NAZIMUDDIN: In exceptional cases when people are in difficulties, assistance is given. There is only a very limited number of charitable institutions which get some contribution, but it is not a fixed annual contribution.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: With reference to answer to clause (*b*), sub-clause (*ii*), may I know what is meant by "contribution made by the contractor for erecting stands on the Calcutta maidan"? Is it contractual or voluntary?

The Hon'ble Khwaja Sir NAZIMUDDIN: The amount is settled beforehand by the Commissioner of Police and has been for some time past, I believe, a fixed amount, but recently the Commissioner of Police has increased the amount.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I know what is that amount?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe it has been raised to eleven or twelve thousand rupees; I am not sure to which figure.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Thank you.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister kindly state whether any account is kept of the disbursements?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, regular accounts are kept and audited.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is the relief confined to the poor of Calcutta only?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not necessarily. If somebody is stranded and the Commissioner of Police is satisfied that it is a genuine case, then assistance is given to him or her.

Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister consider the question of distributing amounts from this fund to established charitable institutions?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not in favour of established charitable institutions, but this is a subject which is still under my consideration and I am thinking of looking into it, as to how this poor box fund can be best utilised for giving relief to a larger number of people.

Mr. RANAJIT PAL CHOUDHURY: To all sections of people?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, to all sections of people.

Headquarters of the Noakhali district.

93. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether in the reply to clauses (*j*) and (*k*) of question No. 33 put by me on the 26th January, 1938, it was stated that a decision by the Government as to the headquarter town of the district of Noakhali was likely to be reached before March, 1938?

(*b*) Will the Hon'ble Minister be pleased to state if such a decision has by this time been arrived at?

(*c*) Was not Begumganj once the headquarter town of the district of Noakhali?

(*d*) How far is Begumganj from river Megna? Is there any danger of erosion ever reaching that place?

(*e*) How far is Begumganj from Chowmuhani? Is not Chowmuhani a big railway station and the principal mart of the district?

(*f*) Is not the subdivisional town Feni a good healthy place with a first grade college and far away from the river Megna and connected with good roads to all parts of the district?

(*g*) Is not Feni a railway junction on the line from Comilla to Chittagong?

(*h*) Do Government propose to select one of these two places? If not, will Government be pleased to state the reasons for not doing so?

(*i*) Is it a fact that since 1929, this question of a headquarter town of the district of Noakhali has been under the consideration of the Government?

(*j*) How long will Government take to consider this question and arrive at a final decision in the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*), (*f*) and (*g*) Yes.

(*b*), (*h*), (*i*) and (*j*) The attention of the hon'ble member is invited to Government Resolution No. 16108-Mis., dated the 11th August, 1938, published on page 1725 of Part I of the *Calcutta Gazette* of the 18th August, 1938. A copy of the resolution is also laid in the Library.

(*c*) No.

(*d*) About eight miles. Government have had no expert advice on the point.

(*e*) About one mile. Yes.

Beggar problem in Calcutta.

94. Rai SURENDRA NARAYAN SINHA Bahadur (on behalf of Mr. H. P. Poddar): (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that in the Old Council Mr. N. K. Basu introduced a Bill attempting to solve the beggar problem of Calcutta;

(*ii*) that the public opinion at that time unequivocally expressed itself in favour of the Bill; and

(*iii*) that the public hold the same views even now?

(*b*) If the answer to clause (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state whether the Government propose to introduce a Bill on the lines of Mr. N. K. Basu's Bill?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) No.

(*b*) Does not arise.

Mr. NARESH NATH MOOKERJEE: Is the Hon'ble Minister aware that there is already a great deal of agitation in regard to the beggar problem in Calcutta being made by large institutions like the Rotary Club, the Calcutta Corporation, and so forth, and has the Government any intention of formulating a plan or a scheme for bringing forward a Bill for solving the problem in Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: There has been some agitation going on both amongst the beggars and those who pay them money. It resulted in a deputation to His Excellency Sir John Anderson from the Rotary Club who presented before him a draft Vagrancy Bill. This Bill was referred to the Corporation of Calcutta; the Corporation of Calcutta referred it to some Sub-Committee of theirs and it is only recently that we have been informed that the Sub-Committee had finished its labours and proposed placing the result of its labours before the Calcutta Corporation. I am however, not aware if the Calcutta Corporation have passed any judgment on the labours of this Sub-Committee.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state if he is aware of the existence of some public feeling in favour of legislation?

The Hon'ble Mr. H. S SUHRAWARDY: I do not think, Sir, that the beggars of Calcutta favour legislation (laughter).

Report on Administration of Bengal, 1935-36.

95. Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the opinions expressed in paragraph 15, pages x-xii, of Part I of the Report on the Administration of Bengal, 1935-36, represent the considered opinion of Government on the administration of the Corporation of Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: The paragraph in question consists mainly of a recital of facts. The passages in it which are of the nature of an expression of opinion represent not the views of Government, but the inferences drawn by the author of the report from the materials on which it was prepared.

I may add that the report relates to a period prior to the assumption of office by the Government under the Reformed Constitution.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister please state as to whether the opinions expressed in a report which is published by Government can merely be the views of the author of the report?

The Hon'ble Mr. H. S. SUHRAWARDY: That is so, Sir. The report has not been published by Government, but it has been published under the authority of Government.

Prohibition.

96. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state if the policy of prohibition has been definitely adopted by the Government? If not, why not?

(*b*) Has prohibition been introduced in any district of Bengal? If so, in what district and from what date, and how many excise shops have been closed or abolished?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the measures already taken by the Government or those about to be taken by the Government in the matter?

(*d*) Is it a fact that the Government intend to enforce prohibition in the district of Chittagong? If so, from what date?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) and (*b*) The policy of prohibition has been introduced in the district of Noakhali from the 1st April, 1938, as an experimental measure and the results are being watched before the policy can be definitely shaped.

All liquor shops (four country spirit and two foreign liquor) in this district have been closed.

(*c*) A statement is laid on the table.

(*d*) No such measure is in contemplation of the Government at present.

Statement referred to in the reply to Council question No. 96.

The prohibition in Noakhali extends only to sale and manufacture of alcoholic beverages. The Collector has been directed not to grant any licence for the sale of liquor, except that for the sale of medicated wines, and not to grant licences for the manufacture of any intoxicant. No restriction on the transport and import of liquor within the limit of private possession has been imposed, as possession has not been wholly prohibited. Government do not propose to take any other measure until the results of the experiment have been further considered.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state the number of other types of intoxicant shops in the district of Noakhali—shops other than liquor shops?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I want notice, Sir.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if any steps have been taken by the Government with regard to such types of shops?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I ask for notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the revenue which the Government derive from the liquor shops in Noakhali?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I ask for notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the revenue which the Government derive from other types of intoxicant shops in the district?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I cannot say off-hand what is the amount of revenue. I want notice.

Mr. HUMAYUN KABIR: In spite of the fact that due notice was given fifteen days ago, are we to take it that the Hon'ble Minister is not in a position to answer any of the questions concerning prohibition in Noakhali?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I did not get notice, Sir.

Debt Conciliation Boards.

97. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state how many Debt Conciliation Boards have been established in Bengal up to this date, and how many in each district?

(*b*) How many cases have been filed with them up to this time, and what is the total amount of debt covered by these cases? Out of these in how many cases have the creditors applied for settlement of debts?

(*c*) How many cases have been settled up to this time and how many are still pending before the Debt Conciliation Boards?

(*d*) Is it a fact that owing to working of these Boards the village money-lenders have stopped all transactions with the agriculturists? If so, what steps has the Hon'ble Minister concerned taken or what steps does he propose to take to remedy the present state of things?

(*e*) Is it a fact that many persons who cannot come under the purview of the Agricultural Debtors' Act have applied and are applying to these Boards, to the great dislocation of normal business and trade? If so, what steps has the Hon'ble Minister taken or what steps does he propose to take to remedy the state of things?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) A statement is laid in the Library.

(*b*) and (*c*) The information is being collected and will be supplied to the hon'ble member when received.

(*d*) The Bengal Agricultural Debtors' Act is not the only cause of the village money-lenders' disinclination to give further credit; in so far as it is a contributing factor, Government wish to make it clear that it is not their intention that the Act should be used to scale down loans made now or in the future.

(*e*) Yes, some cases were reported; strict instructions have been issued to dismiss such applications.

Mr. RANAJIT PAL CHOUDHURY: Arising out of answer to part (*d*) will the Hon'ble Minister be pleased to state the other disadvantages for which there is disinclination on the part of the money-lenders to lend out money?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It must be known to the hon'ble member that it is the difficulty from which the rural people suffer owing to economic depression on account of which they are precluded from meeting their normal obligations.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state whether he is aware that in many cases the debtors have failed to pay the agreed instalments granted to them?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry no such case has been brought to my notice as yet.

Military regiment at Midnapore.

98. Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether it is a fact that military regiments have been posted at Midnapore town for nearly seven years; and

(*b*) If so when the postings of such regiments at Midnapore town are likely to be discontinued?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Government are not at present considering the withdrawal of the regiments now stationed at Midnapore.

Short-notice question.

98A. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether Government propose to fix the salaries of the Hon'ble Ministers

forming the new Cabinet of Bengal after the dissolution of the old one by bringing a Ministers' Salaries Bill for the same? If so, when?

(*b*) If the answer to clause (*a*) is in the negative, will the Government be pleased to state what is the sum of money each Minister is drawing per month and has drawn so far after the formation of the new Cabinet as salary and under what provisions of law?

MINISTER in charge of the FINANCE DEPARTMENT (The Hon'ble Mr. Nalini Ranjan Sarker): (*a*) No.

(*b*) The Ministers are drawing the salaries laid down in the Bengal Ministers' Salaries Act, 1937.

Mr. RANAJIT PAL CHOUDHURY: May I submit that we have come to the end of the session to-day. We have got so many questions to be answered still. In spite of the fact that we have given due notice, those questions have not been answered.

My second observation is that we were not given due notice for bringing in resolutions. According to section 89 of the Rules and Standing Orders, the period of notice is twenty-one days, but we got only about a fortnight. It has practically debarred us from sending in any resolutions. We made a representation for another extra day on the ground that we did not get any notice. May we know whether that extra day has been allowed?

Mr. NARESH NATH MOOKERJEE: I understand that the Progressive party is bringing forward an adjournment motion before the House——

Mr. PRESIDENT: Order, order. I find on an enquiry from the office that the following questions are outstandings, of which due notice was given to the Government:—

Home Department	...	4
Education Department	...	5
Finance Department	...	1
Agriculture and Industries Department	...	1
Revenue Department	...	4
Communications and Works Department	...	2
Public Health Department	...	2
Judicial and Legislative Department		7
Co-operative Credit and Rural Indebtedness Department	...	1
Commerce and Labour	...	2

I hope these answers will be sent to the hon'ble members to their home addresses through the Council Department and the members will have the right to put supplementary question in the next session.

Mr. LALIT CHANDRA DAS: You declared, Sir, that non-official business would be taken up to-day and particularly the motion under section 118 of the Rules and Standing Orders, but it appears that there is going to be another adjournment motion.

Mr. PRESIDENT: Let the adjournment motion be moved first. Nothing has been moved as yet. There is no certainty whether it will be moved. I have only received a notice of an adjournment motion from Raja Bahadur of Nashipur.

Report of the Rules Committee.

Mr. HAMIDUL HUQ CHOWDHURY: May I ask something about the Government programme? I understand that the House is going to be prorogued after to-day. May I know when the Report of the Rules Committee will be taken up which has been submitted before the House? I think this is a slack season and it would be convenient to take up those rules this session. Therefore, I want to know whether it will be taken up this session.

Mr. PRESIDENT: It is clear that the rules will not be taken up this session.

Mr. HAMIDUL HUQ CHOWDHURY: May I know what is the programme about this? Of course if there be a session in November it will make the business easier. If it is put off for February session, then the whole thing will become very difficult for us. I hope this matter will be taken up in the November session.

The Hon'ble Mr. NALINI RANJAN SARKER: We have not decided anything yet. There is every likelihood of a session being held in November if there is sufficient business; but we have not decided anything yet.

Mr. HAMIDUL HUQ CHOWDHURY: If the Government assure us that they will give us three days' time, then we can finish it this session. That will mean less expense.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as the Rules Committee is concerned, the point is that it cannot be done within three days for the reason that the notice of amendments will have to be given. Then you see that Government are not ready to take up this

subject. And thirdly, the most important point is that we want unanimity between the rules of the Council and the rules of the Assembly. As you are aware (at least the Deputy President is aware) that in Darjeeling we had a conference to bring about conformity between the rules passed by the Assembly and those that have been passed by the Council and in view of that conference certain amendments were made in the rules of the Legislative Assembly. Now those amendments have not yet been put forward before the Committee of the Assembly and what I would like to say is that before the Council definitely commit themselves to those rules, the Legislative Committee should consider the amendments suggested by the Hon'ble President and the Deputy President and the other members who were present at that conference. Once we have got that, it is possible that the two sets of rules may come up simultaneously. Once we get uniformity between the rules in the Assembly and the Council, the chance of prolonged discussion in the other Chamber will be very much reduced and we can get these rules passed without any difficulty. If there is disagreement, then it may take a long time and there may be prolonged discussion both in the Assembly and in the Council.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, may I put this for the consideration of Government? In view of what the Hon'ble Minister has said, it can be taken that only on three items which are not very important there has been some difference between the draft which was prepared by the Assembly Committee and which we have accepted as the basis for our consideration. If the items are three and if there are not more than three, it will not take the Assembly very long to consider them. As far as the Hon'ble Minister knows, the report is mostly a compromise report which has been agreed to by most of the parties concerned. Therefore, the chance of having a conflict between those rules which we may adopt and those which may be adopted by the Assembly, is very small. Having accepted this that there has already been a compromise, we cannot take very long time to have it passed through the House. The discussions too are not likely to be prolonged. What I am saying is this: this session is a slack session and the hon'ble members have come from the *mofussil* after arranging their own business and they will be able to stay here a little longer. It may be very convenient for members to take this up this session and it may not be very inconvenient for Government also if the proposed arrangement is made. Therefore, I submit that this matter should be taken up this session.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there is just one point which I would like to place before this House. As the rules at present stand, even if we change them it will not help us. If we continue this session, we will find great difficulty in finding business for the House, because for most of the business notices have to be given.

The bills have come from the Assembly; they have got to be placed on the table, and then seven days' notice should be given. Therefore, as a rule there is some difficulty in finding business for the House. The advantage of these rules being considered at the next session is that we have already given notice; everything will be ready and when the Council will next meet we can go on with the rules. That is the great advantage. Besides, Government are very anxious to give more time and attention to this flood question and as far as I know, most of the members of this House as well as of the other House are anxious to go back, because the situation and condition of the districts are bad and they do not want to stay on. Therefore, I hope the members of this House will agree with me that it is best and most advantageous that the rules should be taken up at the next session of the Council.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, we are not anxious to have the rules taken up this session in view of the difficulty the Government may feel. We may remain satisfied if an assurance is given that the matter will be taken up at the next session in November, and will not be put off for the February session, because we apprehend that that session will be a busy one. We want an assurance from Government that this will be taken up during the November session.

Mr. HUMAYUN KABIR: May I make another suggestion? If it is not taken up this session, we may be given time to send our amendments, if any.

Mr. PRESIDENT: Order, order. If the House is prorogued to-day, then the time will necessarily be extended for giving notice of amendments till the opening of the next session. Strictly speaking, this House has nothing to do with the rules of the other House and there should be no reason to postpone the decision of this House pending decision elsewhere. Yet an attempt should certainly be made to have uniformity in the rules so far as practicable. I think the suggestion of the Hon'ble Home Minister should be accepted by the House and the consideration of the matter may be postponed.

One other point was raised by Mr. Pal Choudhury about the resolutions. He complained that the summons for this session were received by the hon'ble members of this House at a time when twenty-one days for giving notice of resolutions were not available. That was certainly a great hardship depriving members of their right to give notice of resolutions. I have brought these difficulties to the notice of His Excellency the Governor; because the summons are issued and the dates are fixed by His Excellency the Governor in his discretion. I am confident, in future, His Excellency will see that except on very emergent occasions, sufficient time will be available to the members to give timely notice of resolutions. It must be admitted that this time the members had a legitimate grievance.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I have taken note of your suggestions and in future I shall try to accommodate this House as far as possible, but so far as non-official business is concerned, we have given more time this session.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I suggest, Sir, that if the Hon'ble Home Minister is anxious to achieve uniformity between the two sets of rules of the two Houses, I think he might suggest that there should be a joint meeting of the two Committees of both the Houses, so that we might get ready for the next session. I think that suggestion might be helpful——

Mr. NARENDRA CHANDRA DATTA: Where, at Darjeeling?

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Wherever it is, I do not care to know. I think, if it is really desired that the two sets of rules should be alike, as much alike as can possibly be. I think a joint sitting will be very useful.

The Hon'ble Khwaja Sir NAZIMUDDIN: I will certainly——

Mr. PRESIDENT: Order, order. There is one difficulty about the rules. The rules are not like Bills; each House must pass its own rules and this House has its own responsibilities and in this there can be no reference to or interference from the other House. So the question of a joint Committee cannot arise at all. Of course the two Committees can meet informally, but not formally. So, the suggestion of the Maharaja, I am afraid, cannot be accepted.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Sir, may I explain that I never intended that the two committees should make a joint report to be discussed on the floor of this House? What I meant is that in respect of points on which an agreed solution is still to be evolved an informal conference of the two committees may be helpful.

Mr. PRESIDENT: Yes, that is practicable.

Adjournment motion.

Mr. PRESIDENT: Order, order, I have received a notice of the following motion for adjournment from Raja Bhupendra Narayan Sinha Bahadur, of Nashipur:—

"That this Council do adjourn its business for the purpose of discussing a definite matter of urgent public importance, viz., the failure

of the Government to move the Railway authorities in proper time to cause breaches in the Railway line between Azimgunge City and Manigram on the East Indian Railway to allow flood water to pass to low lands for the purpose of saving Azimgunge town and its surrounding villages from the recent floods and their failure to render proper and necessary help to the distressed people of the locality, especially the poor villagers and the agriculturists."

I take it that Government has no objection.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Yes, Sir, Government object to this motion being moved, but, Sir, before the hon'ble member actually moves it, may I have your permission to explain the whole position in this respect and if he then feels the necessity of still moving it, he may do so, but I think it my duty, Sir, to explain a few facts about the subject-matter of the motion which my hon'ble friend wants to move, and I am glad he has given me this opportunity to remove some apprehension which exists in the minds of some of my friends hailing from my district.

Sir, the reason for the flooding of the Azimgunge town which the hon'ble member has put forward in the motion, I am afraid, is not, according to expert opinion, the real cause of the flooding of the town. Sir, I do not like to go into the details, but what I would like to say is——

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. Are we now discussing the merits of the adjournment motion? And can such a thing be allowed? It seems to us that the Hon'ble Minister is proceeding on that line. Whether there is any objection or not to the adjournment motion, is the point at issue.

The Hon'ble Mr. H. S. SUHRAWARDY: Government has objection to its being moved. It is impossible for any one to anticipate the exact time when and the exact place where there will be floods.

Mr. HUMAYUN KABIR: On a point of order, Sir. Is the Hon'ble Minister in order in entering into a discussion of the adjournment motion before leave of the House is granted?

Mr. PRESIDENT: Order, order. The Hon'ble Minister will please note that at this stage the House does not enter into the merits of the motion. The only thing I enquired of the Hon'ble Ministers was if Government objected to the motion. The Chair finds that the motion is in order. If there is objection, then I shall have to enquire if leave is granted by the House to move this motion.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: As I was going to say, Sir, though I have got objection to this adjournment motion, I wanted to avail of this opportunity of explaining the position of the Government to the hon'ble mover.

Mr. PRESIDENT: You cannot do so now; that stage will come later on.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I can see, Sir, the motion is not in order, because it is not for any latches on the part of the Government that the Azimgunge town has been flooded. The matter concerns the Railway, but Railways are not a provincial subject.

Mr. PRESIDENT: No, it concerns the Government because the motion has been drafted in such a manner as to show that Government have failed to discharge their duties in not moving the Railway authorities in proper time. Had it been drafted in a way holding the Government responsible for this state of affairs, certainly it could not be allowed in this House and would have been out of order, but the point at issue is that Government are responsible for not moving the Railway authorities timely. That this is so, the Home Minister will find if he again goes through the wordings of the adjournment motion.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. How can this Government be responsible for this? There is a certain law to the effect that after the Railway is established, within a particular time fixed by the law, if the provincial Government is of opinion, say, that some culverts should be constructed or some projects ought to be undertaken, it should move the Railway authorities to do the needful; but in this case the Railway was established many, many years ago, and during this period many Governments have come and gone, and it is to the notice of one of the many Governments that were in power long ago that this matter should have been brought forward. That Government is dead and gone. So certainly this Government cannot in any way be held responsible for the inaction, if there be any, on the part of a Government which is no longer in existence.

Mr. PRESIDENT: Order, order, those are proper grounds for refusing the motion, and the Hon'ble Minister will be given opportunity to explain the matter and finally the sense of the House will be taken thereon. But this is not the stage to raise those objections.

The Hon'ble Mr. H. S. SUHRAWARDY: I rise again on a point of order, Sir. I wonder how this motion can be a matter of urgent public importance so as to adjourn the normal business of the House, inasmuch as not the present Government but some other defunct

Government is responsible for its so-called omission. And how is it possible to take proper action in proper time for a flood which we had no previous notice of?

Mr. PRESIDENT: Sometimes an adjournment motion is brought for the purpose of drawing the attention of the House to a matter of urgent public importance to enable the House to discuss it threadbare in all its bearings, and the Government to make a statement on the subject and I think this is a similar occasion. In any event, I have considered it to be in order and I only want to know, or rather ascertain, if there is any objection.

The Hon'ble Khwaja Sir NAZIMUDDIN: We object to this motion being moved, Sir.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, may I point out that when the Hon'ble Minister in charge has not raised any objection hitherto, is it open to the another Hon'ble Minister to do so?

Mr. PRESIDENT: It is open to any member of the House to raise an objection to this motion.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Sir, I did not do so at the very outset as the Minister in charge, but I was going to do that subsequently.

Mr. PRESIDENT: I am to enquire if the hon'ble mover of this motion has the leave of this House to move his motion. Those members who support the motion will please rise in their places.

As I find that not less than thirteen members are in favour of leave being granted, the motion will be taken up for discussion. Now the next question that arises is what time would suit the hon'ble members for the discussion of the motion for adjournment.

Mr. HAMIDUL HUQ CHOWDHURY: Five minutes after, Sir.

Mr. HUMAYUN KABIR: To-morrow.

Mr. PRESIDENT: Has the Government got anything to say?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, as you know, this House will be prorogued to-day, and I am at a loss to understand as to how it is possible to postpone this till to-morrow.

Mr. PRESIDENT: Then I am afraid the House will have to sit again to-night.

Khan Bahadur NAZIRUDDIN AHMAD: That, Sir, would amount to inflicting a terrible punishment on the House.

The Hon'ble Mr. H. S. SUHRAWARDY: It is a frivolous motion.

Mr. PRESIDENT: Order, order. I take the strongest objection to the remarks of Mr. Suhrawardy. The Chair will not tolerate any such remarks, when it has already ruled that the motion is in order. Mr. Suhrawardy must withdraw his remarks.

The Hon'ble Mr. H. S. SUHRAWARDY: I was really giving, Sir, an antithesis——

Mr. PRESIDENT: I would not have any explanation. Will you please withdraw your remarks unreservedly?

The Hon'ble Mr. H. S. SUHRAWARDY: I withdraw my remarks, Sir.

Mr. PRESIDENT: Raja Bahadur, I find difficulty in fixing a time for the discussion of your motion.

Mr. HUMAYUN KABIR: We can meet again after the Assembly has finished its business to-night, that is, Sir, we can sit at 8-30 p.m. and discuss the matter for, say, one hour.

Mr. PRESIDENT: Under sub-section (1) of section 109 of the Rules and Standing Orders, clear two hours must be set apart for the discussion of an adjournment motion.

Mr. HUMAYUN KABIR: In that case, Sir, we can take up the discussion now and there is about one and a half hour's time yet, Sir, at our disposal. We can sit again for half an hour or so after 8-30 p.m., and thus cover the specified two hours.

Mr. PRESIDENT: But the discussion must be continued at a stretch and not interrupted. Sir Edward Benthall, will you please suggest some time?

Sir E. C. BENTHALL: It may be taken up now, Sir.

Mr. PRESIDENT: But the only difficulty is that the other House sits at 4-45 p.m., and we cannot have more than an hour from now.

The Hon'ble Mr. H. S. SUHRAWARDY: You, Sir, have often deprecated any reference to the other House. May I suggest that you should take no cognizance of the sitting of the other House and continue to sit till this motion is disposed of?

Mr. PRESIDENT: Order, order. If that be a serious suggestion from an Hon'ble Minister, I shall take up the motion now and sit till it is disposed of.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, the Government as a whole is not responsible for the suggestion of the Hon'ble Mr. Suhrawardy.

Mr. PRESIDENT: But a suggestion has been made by an Hon'ble Minister and since there is joint responsibility, I take it that when an Hon'ble Minister speaks, he speaks on behalf of the Ministry as a whole. And if you think that Government is not responsible for the action of an individual Minister, I am really surprised to find that the Council of Ministers will allow a particular Minister to speak in his own way and for which the Ministry as a whole is not responsible.

The Hon'ble Mr. NALINI RANJAN SARKER: I submit, Sir, that it is not the Ministry's business to control the actions of a particular Minister.

Mr. PRESIDENT: The Ministers are present here not as members and it is only as Ministers that they are here, and certainly every Minister is responsible for the work of the Ministry, as is contemplated in the Instrument of Instructions. I thought that the Hon'ble Mr. Sarker or the Hon'ble Sir Nazimuddin will answer this question. This is a serious matter not to be lightly brushed aside.

The Hon'ble Mr. H. S. SUHRAWARDY: I think, Sir, that I ought to explain my object in saying what I did. I never intended that you should ignore the other House's sitting at 4-45 p.m., and that we should forget all about it. My purpose was that if this motion was really taken up at the present moment, then there could not be a sufficient number of speeches and the motion would have to be put to the vote after a short discussion and before the expiry of two hours.

Mr. PRESIDENT: Was not the Hon'ble Minister attending the Council when I said that full two hours should be set apart at a stretch for the discussion of an adjournment motion?

(No reply.)

The Hon'ble Mr. NALINI RANJAN SARKER: Only if the House wants that stipulated time, but the House can finish in one hour also.

Mr. PRESIDENT: It may be that the House can finish the matter in ten minutes but we cannot anticipate what will happen.

Sir Nazimuddin, do you desire that this motion should be taken up now?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not see, Sir, how we can go on for two hours with this motion now. That, of course, is impossible, Sir. The only thing that I am thinking of is that, as far as my experience and knowledge go, there is a precedent: it is that during the course of a discussion of an adjournment motion we have adjourned for prayers. If we can adjourn for prayers, I see no reason, Sir, why we cannot adjourn the House in the midst of the discussion of this adjournment motion, at say, quarter past 4 or twenty minutes past 4, and, if necessary, we might meet at half past 8; Sir, that is to say—

Mr. PRESIDENT: Order, order. The difficulty is that when we adjourn for prayers, we do not take into calculation the ten or fifteen minutes required for prayers and those ten or fifteen minutes are included in the two hours which are set apart for the discussion of an adjournment motion.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, I am sorry. It is quite true that the prayer interval is included in the two hours.

Mr. PRESIDENT: I am afraid that the only alternative is to take it up at 8-30 to-night.

Mr. LALIT CHANDRA DAS: Why not to-morrow?

The Hon'ble Khwaja Sir NAZIMUDDIN: The difficulty about to-morrow is first of all that this House has to be prorogued and we have fixed the Assembly to sit from 4 o'clock. Yesterday the Hon'ble Speaker announced that the Assembly was to meet at 4 p.m., then when he learnt that the Council would sit to-day he had to send out special notices to the members of that House.

Mr. PRESIDENT: In that case this House will have to sit earlier, say, at 11 o'clock to-morrow, so that the motion may be finished within two hours.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: If an assurance is given that the whole question will be examined, will the mover of the adjournment motion be pleased to withdraw it?

Mr. PRESIDENT: One of the Hon'ble Ministers, preferably Mr. Nalini Ranjan Sarker, ought to speak on behalf of the Ministry instead of each of the Ministers.

The Hon'ble Mr. NALINI RANJAN SARKER: We have no objection if you meet at 8-30 to-night.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: The point is this: if the matter is taken up now it may be finished at any time within two hours by moving a closure. So the Government must either provide time for the discussion of this matter or they must be strong enough to close the debate at 4-15 p.m. by moving a closure motion. In any case the matter should be taken up now.

Mr. PRESIDENT: Order, order. It is not in the hands of the Ministry or in the hands of Government. If a closure motion is moved, the Chair may not allow it on the ground that there has not been a reasonable debate.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: Would you not consider 1 hour 45 minutes quite sufficient when the time allowed is only 2 hours?

Mr. PRESIDENT: The difficulty is that this Chamber has to be vacated at the latest by 4-30 p.m. because the Assembly must have some time to arrange their business. They want it half an hour earlier.

Mr. HAMIDUL HUQ CHOWDHURY: Supposing we do not vacate, what happens.

Mr. LALIT CHANDRA DAS: Sir, to-day has been fixed for non-official business but as an adjournment motion is going to be taken up, is it likely that we will be allowed to take up non-official resolutions to-morrow? Will the Government accommodate us by giving to-morrow also? Yesterday you announced that the first business to-day would be non-official resolution No. 3 but I find that the privilege motion has been given the first place.

Mr. PRESIDENT: I take it that 8-30 p.m. would generally suit the house. (Cries of "No, no".) In view of the remarks from the different parties of the House, I would like to hear what Sir Edward Benthal has to say.

Sir EDWARD BENTHALL: Is it possible for the House, with your consent, to find out how many speakers wish to speak and if it is seen that a large number of members do not wish to speak on the motion, we can take the motion forthwith.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: May I suggest that we should at least make a beginning instead of wasting further time. The power of adjournment is vested in you and if you find we are reaching the time-limit and will be obstructing the business of the other House, you can adjourn the House at any time you please, but let us make a beginning and see whether we really require two hours' time. I think the matter will be disposed of much earlier.

Khan Bahadur NAZIRUDDIN AHMAD: Under sub-section (*1*) of section 109, of the Rules and Standing Orders, automatically we must close at the end of two hours. If we adjourn within the specified time, it will mean nothing.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I find there is difficulty in fixing the time and if I am allowed to hear what the Hon'ble Minister has to say——

Mr. PRESIDENT: The adjournment motion will be taken up at 8-30 to-night.

Resolutions of the Privilege Committee.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I beg to move that this House, being an integral part of the Legislature, claims that whenever and wherever members of the Legislature are nominated on the different public bodies, the Council shall be given an equal representation and that whenever such representations are given by election both the Houses of the Legislature shall be called upon to elect an equal number of representatives.

The resolution would had been moved earlier but at the request of the Hon'ble Minister it was postponed.

Mr. PRESIDENT: Motion moved: that this House, being an integral part of the Legislature, claims that whenever and wherever members of the Legislature are nominated on the different public bodies, the Council shall be given an equal representation and that whenever such representations are given by election both the Houses of the Legislature shall be called upon to elect an equal number of representatives.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, with your permission, may I move a short-notice amendment suggesting that these two resolutions be referred back to the Privilege Committee for reconsideration.

I consider that it is a question of vital importance as far as the privileges of the House are concerned. I feel that when a privilege is claimed and if the Privilege Committee decide that it is a question of privilege, it becomes a point of honour to see that the privilege is obtained. It is inconceivable that you should claim a privilege and the Privilege Committee of the House should declare that it is a privilege and then find that you cannot have that privilege. This would be placing the members and the right of privilege in a very anomalous position. A resolution may be passed by this House and if it is not agreed to, no harm is done; the question of honour does not arise. But if a privilege is claimed and the members are unable to get it owing to legal or other practical difficulties, then they are placed in a most awkward position. I therefore request that the matter be referred back to the Privilege Committee for considering if it is a privilege or not. In the meantime I am ready to give an assurance that so far as the merit of the question is concerned, Government is ready to sit with the leaders of various groups in this House and discuss the advisability of giving effect as far as possible to this suggestion. It is practically what the Maharaja of Santosh suggested on the last occasion. I should like that to be done informally but in the meantime this question should be re-examined in the light of the discussion that has taken place. We ought to do that.

Mr. PRESIDENT: Amendment moved: that these two resolutions be referred back to the Privilege Committee for reconsideration.

Mr. BANKIM CHANDRA DATTA: When are you likely to sit?

The Hon'ble Khwaja Sir NAZIMUDDIN: As soon as possible; within two days if you like.

Mr. HAMIDUL HUQ CHOWDHURY: The suggestion of the Home Minister is that the matter should be referred back to the Privilege Committee for the purpose of finding out again whether this is a question of privilege. I submit that the question had been referred to the

Committee before and the Committee have come to the conclusion that there has been a breach of the privileges of the House. Therefore it would serve no useful purpose if we referred it back to the Privilege Committee for the purpose of reconsideration. As a matter of fact if you refer to the debate of this House on the 25th January last you will find that it was at the instance of the Hon'ble Sir Nazimuddin that the matter was referred to the Privilege Committee when an identical question was raised, namely, Government's failure to nominate members of this House on public bodies on which it is necessary that the House should have a say and may examine all cases by having representatives on those bodies. It would serve no useful purpose by referring it back to the Privilege Committee as such a reference means nothing but dilatory tactics. If the Government have made up their minds, let them say what they have decided. I submit that they are not going to make up their mind by another adjournment. So far as this question is concerned, it is one of the matters about which we ought to know what steps we can take after having decided that there has been a breach of privilege and what suggestions they make to rectify it. We must have some liberty to force the issue. It is no good suggesting that the House will be impotent afterwards to enforce its decision. The question is before the Government and if the House is not able to influence Government decision on the point, it is no good referring it back to the Privilege Committee.

Regarding the suggestion of the Hon'ble Minister that the matter should be gone into from the point of view as to how effect can be given to it in consultation with the leaders of the House, I may say that, that course is always open. If we accept the Maharaja's amendment that "ordinarily" it shall be so, then it is open to Government to come to a decision on a particular matter on the merits of the case as to what shall be the proportion of representation after consulting the party leaders.

Mr. PRESIDENT: As regards the two resolutions of the Privilege Committee, I find that so far as the latter resolution about the Library is concerned, it was discussed in this House on the 14th February last on a motion moved by Mr. Shrish Chandra Chakraverti and on the next day (15th February) on the recommendation of the Privilege Committee this House passed a resolution which runs thus:

"That the Secretary do convey to the authorities concerned that control and management of the Library of the Legislature should vest in both the Houses of Legislature and shall be administered by a Joint Committee of the Houses consisting of five members of each House and the President and Speaker, pending the framing and adoption of the rules of procedure of this House."

The other resolution of the Privilege Committee is as follows:—"That this House, being an integral part of the Legislature, claims that whenever and wherever members of the Legislature are nominated on the different public bodies, the Council shall be given an equal representation and that whenever such representations are given by election, both the Houses of the Legislature shall be called upon to elect an equal number of representatives".

As regards the resolution regarding the Library, it seems that the House after due consideration recommended the matter to the Privilege Committee which passed a resolution and it was duly communicated to the Ministry of the day, and as there was no reply from Government within a reasonable period of time, this resolution is now moved. If the Government takes not only weeks but months and years over this, then pending a final arrangement, something should be done for this House, because the members naturally feel great inconvenience in being deprived of the use of the Library. Not to speak of the members, I myself cannot get reference books when needed, from the Library. These matters were repeatedly brought to the notice of the Hon'ble Ministers, but in vain. Now it is for the House to decide. Of course I shall put the motion moved by the Hon'ble Minister that the first resolution be referred back to the Privilege Committee, but I would appeal to the members to consider the other matter, which is now pending for months. They should arrive at certain decisions regarding it.

The question before the House is that the first resolution of the Privilege Committee be referred back to that Committee for reconsideration.

The motion was lost.

Mr. PRESIDENT: The next question before the House is that the word "ordinarily" be added after the word "shall" occurring in two places in the resolution.

The motion was agreed to.

Mr. PRESIDENT: The question now before the House is that the original motion of Mr. Hamidul Huq Chowdhury, as amended, be passed.

The motion was adopted.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I beg to move that pending the final arrangement for a separate Library, if necessary, it is recommended that the Library shall be under the joint control of the Council and the Assembly in order to give proper facilities to all members of the Legislature.

Mr. PRESIDENT: Motion moved: that pending the final arrangement for a separate Library, if necessary, it is recommended that the Library shall be under the joint control of the Council and the Assembly in order to give proper facilities to all members of the Legislature.

The question before the House is that pending the final arrangement for a separate Library, if necessary, it is recommended that the Library shall be under the joint control of the Council and the Assembly in order to give proper facilities to all members of the Legislature.

The motion was carried.

Motions under (section 118 of the) Rules and Standing Orders.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that this Council is of opinion that an address be presented to His Excellency the Governor through the President embodying the following resolution for forwarding the same to proper authorities.

"That in the opinion of this Council, it is highly desirable that no appointment to the Governorship of the province should be made from amongst the members of those services either under the control of the Secretary of State or under the Governor-General or the Governor, and that in all future appointments to such post the opinion of the Council of Ministers of the province should be previously obtained."

Sir, Lord Sinha was the first Indian who had the unique honour and privilege of being appointed Governor of a province in spite of serious opposition from the Indian Civil Service. At that time, high hopes were raised in the minds of the people that this departure marked a reorientation in the British policy with regard to India. It was thought at that time that his perhaps was not the first and the last appointment to the post of a Governor and that after Lord Sinha there would be several such Indian appointments to Governorship, but, alas, those hopes were frustrated and cast to the winds. The Indian Civil Service scored over everybody else. Then, Sir, after the lapse of a considerable length of time and as a result of persistent agitation, leave vacancies began to be filled up by the seniormost Member of the Governor's Executive Council, irrespective of whether he was a Civilian or not. So, in the natural order of things, it was hoped that matters would improve with respect to the mode and manner of appointment to the Governorship of a province, with the inauguration of provincial autonomy. But it seems, Sir, quite contrary to our expectation, a serious

set-back has set-in in this respect. It would appear and it is known to all of us here that during the course of the last six months several such vacancies occurred, and it is curious that all these vacancies have been filled up by European Civilians and that their Indian compeers could not be appointed, presumably for colour bar; nor, Sir, any non-official Indian has been taken in. Sir, are we to suppose that from the Himalayas to Travancore or from Karachi to Tinsukia not a single Indian was found who by virtue of his education, standing, grit and character could very well be appointed to one of these vacancies or could be relied upon to hold the exalted office of a Governor with honour and dignity? Certainly there were eminent persons, but they had no sanction behind them to enable them to get such exalted office.

Sir, this question of the appointment of a Governor of a province was prominently brought before the public not a long time ago by the Orissa Ministry. When the question arose they simply refused to agree to the appointment of Sir Louis Dane, their Revenue Commissioner to officiate as the Governor of their own province in place of the permanent incumbent, Sir John Hubback. Sir, at that time certain principles were established by that Ministry. The first principle that was established was the right of the Ministry to protest against such appointments. The second principle that was established was that the servant of a province should not be elevated to the office of a Governor over the heads of the Ministers of the same province whose orders he had to obey and whose policy he had to carry out. These are the principles that were established by the opposition of the Orissa Ministry. But, Sir, the matter did not end there. This last principle was again flouted by the importation of a Madras European Civilian to the Governorship of Orissa. That an European Civilian of a neighbouring province should come over as the Governor of another province, is not consistent with the principle enumerated before. Whether he be appointed to the post temporarily or permanently is not the question at issue, but in the case of Orissa it was ingeniously done only to side-track and to cloud the real issues that were raised by the Orissa Ministry.

Now, Sir, Governors after all are appointed by and represent the King Emperor. They rule. They do not serve. I submit that correct principles should be established once for all—and conventions should be created for the guidance of future generations—that no public servants out to serve India and charged with the duty of carrying out the orders and policy of the Ministers, no matter whether they belong to this province or another province, should be elevated as Governors to administer over the people whom it is their duty to serve. This principle, Sir, applies equally to all public servants—whether they belong to the services under the Secretary of State or to those under the Governor-General or the Governor.

Sir, under section 48 of the Government of India Act, 1935, His Majesty the King Emperor appoints Governors by Commission under the Royal Sign Manual. His Majesty, it goes without saying, is the constitutional monarch, and His Majesty makes such appointments under the advice and guidance of his Ministers. In tendering advice to His Majesty would it not be fair and proper that His Majesty's Ministers should be fortified with the opinion of the Ministers of the province concerned in matter relating to the appointment? Sir, in one sense the Ministers of a province can very well be regarded as Ministers of the Crown, for have we not the example of Mrs. Vijaylakshmi Pandit before us, who has been treated as a Minister of the Crown by the British Government? She has gone to England on leave and she will be given all the privileges of a Minister of the Crown. So, it is only just, fair and proper that in recommending the names for Governorship to His Majesty the King Emperor, His Majesty's Ministers should be fortified with the opinion of the Ministers of the provinces concerned.

Sir, if provincial autonomy is not a mere pretence, if provincial autonomy is really provincial self-government, then I would respectfully submit that the principle is latent in it that the Ministers should be consulted in the matter of making such appointments to an autonomous province. And this, Sir, will be highly conducive to the smooth working of the Government of India Act, 1935. His Excellency the Governor has to perform many acts according to his discretion and in the exercise of his individual judgment. The Governor, who comes to administer over a province and in the matter of whose appointment the Council of Ministers is consulted, is not likely to act in opposition to those Ministers or to flout their advice even in the exercise of his discretionary power and individual judgment.

Sir, the points adumbrated in my motion are no novel ones. It is what has been laid down in the case of many self-governing Dominions, where the Governors or the Governors-General are appointed after consulting the Ministers there. I can cite, Sir, one instance, viz., the case of Eire, where the British Government have agreed to the appointment of the Governor-General after consultation with the Cabinet of Eire and with the full approval of that Cabinet. We should try to democratize and liberalize our own institutions on the lines of the Dominions.

Sir, in fine I submit that this motion is one which embodies a healthy principle, viz., that the wishes of the Ministry of a province should be ascertained and their concurrence obtained before appointments are made to Governorships there—be they permanent or temporary.

Besides England, India has got very fit persons to occupy the post. Why then the public servants should be elevated

as Governors to lord over the people whom they have come to serve? Indians were tried as High Court Judges even as the Chief Justices. They were tried in the balance and never found wanting; they proved eminently successful everywhere. As Governors also Indians will never fail. The governorship of Lord Sinha was eminently successful. From all these facts I can confidently suggest that this is a proposition which can safely be accepted by this House.

I wish to say one word to my friends opposite. They are members of the Moslem League and Moslem League stands for independence. Will they to-day say that they want that public servants should be Governors? Will they say to-day that they do not want that the opinion of the Ministry of the province concerned should be taken? After all independence is their ideal and they must think in terms of independence. One of the essential things is to shed the inferiority complex. May I appeal to them to view this question carefully and support the proposition I have put forward? I appeal to my friends on the other side to lend their support to the motion as they did when I moved my resolution against Federation under the provisions of the Government of India Act, 1935. I hope they will not fail to do so on this motion too.

Sir, with these words I commend my motion to the acceptance of the whole House.

Mr. PRESIDENT: Motion moved: that this Council is of opinion that an address be presented to His Excellency the Governor through the President embodying the following resolution for forwarding the same to proper authorities:—

> "That in the opinion of this Council, it is highly desirable that no appointment to the Governorship of the Province should be made from amongst the members of those services either under the control of the Secretary of State or under the Governor-General or the Governor, and that in all future appointments to such post the opinion of the Council of Ministers of the Province should be previously obtained."

Sir EDWARD C. BENTHALL: Sir, the hon'ble mover in his speech, as far as I could understand, drew his instances mainly from other provinces, whereas this motion refers to the province of Bengal. This province differs from most of the other provinces in that its Governors are not as a rule appointed from the Civil Service. And I think the House will agree with me that when the post of the Governor has been filled temporarily by members of the Civil Service, it has been filled as satisfactorily as by any other source and I cannot but

think that the hon'ble mover in his heart of hearts has felt the same as he has studiously avoided the point. But I would agree with him about one point, that is as regards the principle that the appointments when made from the Civil Service should put neither the Ministry nor the Governor to any embarrassment.

As regards the second part of the resolution that in all future appointments to such posts the opinion of the Council of Ministers should be previously obtained, this of course is not a new question in such cases. It has arisen, for the last forty years I think, in the States of the Australian Commonwealth. But there it has been solved on every occasion by good sense. The position is not at all comparable in this province since by long usage the position of the Governor in the States of Australia has become, I think, I am correct in saying, purely ceremonial. The Governor in this province or any other province in India has certain functions which make it most desirable that he should stand above all parties. In particular, I have in mind his responsibility for the protection of the minorities. The proposal put forward in the resolution by the hon'ble mover amounts to this that the Governor has to be acceptable to a particular Ministry or to a particular Council of Ministers. It would also therefore be true that that Governor might be unacceptable to the Opposition Ministry when it took office. As I have said, it seems to me that it is highly desirable that the Governor should be entirely above party politics and it is for this reason that the resolution should be opposed.

There is a further point also; I think that it is essential to the interest of the province, as everyone will agree, that we should get the best man and we are not likely to get the best man if his appointment is subject to criticisms by persons who have no knowledge either of his personality or his achievements. I am speaking mainly of the appointment of Governors from abroad.

I think the House will agree that this province owed a very great deal to its Governors in the past, particularly in the immediate past. They have stood up for the rights of the province and the late Governor has done perhaps more than any other man of the province to secure for it a satisfactory financial settlement. Throughout India the Governors have consistently since the initiation of Reforms of 1935 acted constitutionally and have carried out the Act in the spirit as well as to the letter. That being so, I see no reason at all for putting forward an address to His Excellency as proposed in this resolution and on behalf of my group I strongly oppose it.

I would say finally that I have no doubt that under the present system this province will enjoy the same good fortune in future over the appointment of Governor as it has been done in the past. For these reasons I oppose the resolution.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, in connection with this motion Government have accepted the policy which the great political party, I mean the Congress, has accepted in connection with the Communal Award. We neither accept nor reject it. Government will remain neutral and the deliberations of this Council will be forwarded by them to the proper quarter but so far as the resolution is concerned, I have not been able to understand it quite clearly.

First of all Mr. Lalit Chandra Das's intention is that when a Governor is to be appointed the Ministers must be consulted. As has been pointed out by Sir Edward Benthall, I do not think it is a practical proposition.

As regards the other question, I have not been able to follow what he really means. He says that no member of the service who is under the control of the Secretary of State or of the Viceroy or of the Governor should be appointed Governor. That means the preclusion of even a Member of the Viceroy's Executive Council from officiating as Governor and so far as I know, no Congress province has voted on that issue.

Mr. LALIT CHANDRA DAS: Those who are appointed on Royal Warrant are excluded from the operation of this resolution.

The Hon'ble Mr. NALINI RANJAN SARKER: Members of the Viceroy's Executive Council are members of the Civil Service and they are under the control of the Secretary of State. Mr. Das says that he does not exclude the Members of the Viceroy's Executive Council, he only excludes those who belong to the Civil Service. I say that all men in service have not been excluded even in the Congress provinces. Orissa raised an objection on the ground that one who was subordinate to the Ministry had been appointed as their Governor. I think they rightly did so. In the main four provinces, in the United Provinces, Bihar, the Central Provinces and the Punjab, the Governors are all service men but as I have already said, Government on this motion will remain neutral and send the proceedings of this meeting to the proper quarter.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, this resolution has two parts; the first part is that no appointment to the Governorship should be made from the members of the Civil Service and the second part is that in appointing the Governor the opinion of Ministers of the province should be previously obtained. I rise to support the principle contained in the first portion that as a rule Governors should be selected from persons who do not form part of the Indian Services. The reason obviously is this that the Civil Servants who have to serve under the Ministers have to support and work out the policy laid

down by them. Members of the Civil Service are as a rule highly efficient. But speaking generally, the very condition of their service under the autonomy-ministers would tend to serve as a handicap to the members of the Civil Service, however eminent they may be, and they may not generally have that wide outlook which we should expect from a Governor. I am quite sure, speaking generally and subject to honourable exceptions, this House will agree to the general principle embodied in the first part.

With regard to the second portion, that the opinion of the Ministers should be previously obtained, I have strong objections to that. Ministers are political bodies; they have policies and politics and it is rather unfair on the part of any authority to ask the Ministers about the kind of a Governor they would like to have. I think that the Governor who may be appointed would be of such outstanding quality and personality that they should be pretty well-known and that any enquiries of the kind would be unnecessary and undesirable. A Governor will be required to consider the advice of his Ministers and to take independent action and it will not be fair to appoint him on the advice of Ministers. The Governor's authority and his reputation for independence and impartiality will inevitably suffer if Ministers have a voice in his appointment. A Governor will have to appoint and dismiss Ministers and veto their acts. The resolution in a word tries to put the cart before the horse. It is impossible to support it. In these circumstances, I support the principle of the first portion and oppose the principle of the second portion of the resolution proposed to be embodied in the address.

Mr. LALIT CHANDRA DAS: Sir, I have a few words to say in reply to the speeches which have been made with respect to this resolution. Sir Edward Benthall observed that it was necessary that the appointment should be above all party politics but he seemed to have suggested that in order to find out such a man to occupy the high office of the Governor one has to go outside India as if our country is not at all in a position to supply a person who will be above party politics and who will be impartial to all parties but who can at the same time discharge the duties of the Governor quite efficiently.

Sir, I would respectfully protest if there be any such suggestion, because I am confident that in India there are several estimable persons who can fill this position with great honour and dignity and with absolute impartiality, dealing out even-handed justice to different parties and between different individuals and protecting also the rights of the minorities.

Sir Edward Benthall also referred to the case of Australia. So far as we know, the Ministry there claim the right of being consulted in the matter of the appointment of Governors. They even go to the

extent of claiming the right to dismiss a Governor. When there are circumstances so pressing, the Ministry has not the slightest hesitation to have the Governor recalled from his post. But be that as it may, we may not have all the privileges that obtain in Australia, but nevertheless it is on all hands conceded that because we too have got autonomous provincial Government, provincial self-Government, it is high time that we must have the same things which the other self-governing Dominions have got, and in this I submit, Sir, simply because our case is not on all fours with that of Australia so far as this point is concerned, that should be no reason why we should not get at least a part of the rights and privileges that obtain elsewhere. In fact, whenever any precedent is sought to be made out, we are referred to the books of Australia, we are referred to the books of England and we are referred to the books of other self-governing Dominions, but, when it comes to a question of translating one of their valued rights into an actuality in our case, we are faced with the proposition that our case is not similar to theirs.

Sir, the Hon'ble Finance Minister has said that it is not a practical proposition that the Council of Ministers should be consulted before the Governor is appointed. What is the difficulty in this, Sir? We all know that a Governor is appointed long before, even six months before the expiry of the period of service of the out-going Governor and so there is ample time, and hence there can be no difficulty whatsoever to consult the provincial Ministers before making such appointments. Therefore there is no reason why the Ministers should be very anxious to get rid of this responsibility which will be theirs if such a right is actually conceded to them.

Then, Sir, my friend Khan Bahadur Naziruddin Ahmad supported the first part of my resolution for which I am thankful to him, but he opposed consultation of the Council of Ministers which is the second part of my resolution. So far as the reasons adduced by him are concerned, I cannot agree with him. There are some Councils of Ministers, who represent the pick of intelligence and enjoy the confidence of the representative Houses, I mean the Assemblies. Why should they not be trusted to make recommendations as to the proper person who should be at the helm of the provincial administration?

The Hon'ble Mr. NALINI RANJAN SARKER: What about Bengal, where there are *unpopular* Ministers?

Mr. LALIT CHANDRA DAS: With these words, Sir, I move that my motion be accepted. But I have one word more to say, Sir, before concluding, viz., that my motion be divided into two parts and the two parts put to vote separately.

Mr. PRESIDENT: Yes, Mr. Das, I shall put the motion before the House in two parts. I am putting the first part now.

The question before the House is that this Council is of opinion that an address be presented to His Excellency the Governor through the President embodying the following resolution for forwarding the same to proper authorities:—

> "That in the opinion of this Council, it is highly desirable that no appointment to the Governorship of the Province should be made from amongst the members of those services either under the control of the Secretary of State or under the Governor-General or the Governor".

The motion was adopted.

Mr. PRESIDENT: I shall now put the second part, which runs as follows:—

The question before the House is that this Council is of opinion that an address be presented to His Excellency the Governor through the President embodying the following resolution for forwarding the same to proper authorities:—

> "That in all future appointments to such post the opinion of the Council of Ministers of the Province should be previously obtained."

The motion was lost.

Mr. NARESH NATH MOOKERJEE: Sir, when you said: The Noes have it. I called out The Ayes have it.

Mr. PRESIDENT: You should have been more prompt. You did not rise at the proper time.

Mr. NUR AHMED: Mr. President, Sir, I beg to move that this Council recommends that an address be presented to His Excellency the Governor of Bengal for requesting the authorities concerned to take early steps to provincialize the Indian Civil Service, the Indian Police Service, and the Indian Medical Service.

Sir, in moving this motion I presume that I am dealing with the most vulnerable part of the autonomous constitution as embodied in the Government of India Act of 1935.

Section 244 of the Government of India Act of 1935 says: "As from the commencement of Part III of this Act appointments to the civil services known as the Indian Civil Service, the Indian Medical Service (Civil), and the Indian Police Service (which last-mentioned

service shall thereafter be known as 'the Indian Police') shall, until Parliament otherwise determines, be made by the Secretary of State." So, Sir, it will be seen that special privileges have been granted to the Superior Services. These appointments are to be made by the Secretary of State even though they will have to work under responsible Ministers. Their salaries, promotions, leave, pensions, etc., are also fixed by the Secretary of State and not by the Indian Legislature, though they have to bear the financial burden all the same. Their dismissal, suspension, punishment, reduction of pay, etc.—all these lie with the Secretary of State and not with our popular Ministers whose servants really they are. All rules regulating the incidents of these Services are made by the Secretary of State, but the anomaly of anomalies is that they have to work under our Ministers and draw their pay from Indian revenues. Even their salaries, pensions, etc., have been made a charge on provincial and Indian revenues and are not to be voted by provincial Legislatures or the Central Legislature. It cannot be denied that members of these Services are the most important prop of the administration, but by a strange irony of fate they have been made, so to speak, into a sacred body, and practically placed above the Constitution. They are to be paid from the provincial revenues, but these servants of the Ministers cannot be appointed, or dismissed by Government, I mean the popular Ministers. In a word they are beyond the control of the provincial Government in vital matters. Again, the elected representatives of the people have no voice in the framing of the budget relating to their salaries and other emoluments, but they must be met from the people's money. The Ministers are responsible to the Legislatures, for the doings of these servants, but to all intents and purposes unless they are willing to co-operate, the Ministers have no power of controlling them in any effective manner. If this much-advertised aspect of the so-called autonomous Government is taken into consideration, it appears that the so-called provincial autonomy is a huge farce, and nothing but a farce.

Sir, this anomaly in the provincial constitution has given rise to various difficulties, viz., (1) no scheme of all-round economy in the cost of the administration can be launched and carried to a successful conclusion unless these posts are provincialized; (2) though the members of the Provincial Services perform in most cases as responsible duties as the members of these three Imperial Services, they are placed in a less advantageous position as regards their emoluments and other incidence of service. This, Sir, has led to apparent inequalities and inequities in the conditions of services in a province.

Sir, I must make myself clear on one point, and it is that by the statements which I have already made, I do not mean to cast any reflection on the devotion, honesty, and integrity of this class of civil

servants. It is much to their credit, and it is also due to their good intentions that they have undoubtedly adapted themselves to the changing conditions of the country. They have been honestly trying, with few exceptions here and there, to work the provincial autonomy with loyalty. Whatever success the new Constitution has attained, it is largely due to their co-operation, but the question is not finished there. The most vital question is the position which these Services have in an autonomous province under the new Constitution. This, Sir, as I have already pointed out gives rise to an anomaly. Unless these Services are provincialized, the autonomy cannot be said to be real and effective and our Ministers cannot be said to be masters in their own homes.

With these few words, Sir, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: 'that this Council recommends that an address be presented to His Excellency the Governor of Bengal for requesting the authorities concerned to take early steps to provincialize the Indian Civil Service, the Indian Police Service, and the Indian Medical Service.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, so far as this question is concerned, under the Government of India Act of 1935, the matter entirely rests with the Secretary of State, and the Parliament during their discussions in their Joint Committee made it clear that after five years they would review the whole question. Therefore, it seems to me that it is too premature at the present time to raise this issue. But apart from that, the attitude of Government on this question must be, as it has been on previous occasions as regards similar motions, an attitude of complete neutrality.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: It is a lamentable attitude of Government.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have heard a side-remark made by the Maharaja of Santosh that it is a lamentable attitude on the part of Government. The reply that naturally occurs to me is that members of this House, knowing as they do the conditions and provisions of the Government of India Act of 1935 should not and cannot and ought not to expect any other attitude but the one taken by Government. It is clear that Government can only be responsible for those acts which come within their cognizance. Here is a question where they cannot take any action in any way whatsoever. And,

therefore, any expression of opinion on a subject like this would only be futile and the only thing that they can do is, if necessary, to forward the discussions here to the proper quarters.

Mr. BANKIM CHANDRA DATTA: With no recommendations?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, with no recommendations. Of course when the present circumstances will be reviewed, then the occasion will arise for this Government to express their views and give their opinions thereon. No doubt, we have got our views and we have considered them in all their aspects, and in time to come—rather in five years' time—we, having gained further experience in the meantime, shall be in a better position to explain the Government viewpoint, but at the present moment you cannot expect us to express any opinion whatsoever, which, even if done, will have no effect whatsoever in bringing about the desired result.

The Parliament and the British Government are definite that for five years this question is not going to be a live issue. What is the advantage, what useful purpose will be served by expressing an opinion now on a subject which is not going to be looked into or considered for five years to come? We do not want to deprive the mover of this resolution of his privilege of moving it but we would request him seriously to consider whether it would not be advisable to withdraw the resolution. If his resolution was going in any way to bring about any result, then there would have been some justification in considering this question. I would like to point out again that as it is definite that for five years this question is not likely to be opened, it is too premature to express any opinion on this subject after the new Constitution has worked for only one and a half years.

Mr. NUR AHMED: I have heard very carefully what the Hon'ble Home Minister has said and if it is too premature to express an opinion I beg leave of the House to withdraw it.

Mr. PRESIDENT: Is it the pleasure of the House that the motion be permitted to be withdrawn by the mover?

The motion was then by leave of the House withdrawn.

Adjournment.

The Council then adjourned till 8-30 p.m. of the same day.

After adjournment.

Mr. RANAJIT PAL CHOUDHURY: May I submit, Sir, that in case there is no quorum, the bell may be rung again?

Mr. PRESIDENT: Yes.

(The bell was rung for five minutes and even then there was no quorum, only nine members being present.)

Mr. PRESIDENT: Order, order. As there is no quorum, no business of the House can be transacted. The House is adjourned

Adjournment sine die.

The Council then adjourned *sine die*.

Members absent.

The following members were absent from the meeting held on the 23rd August, 1938:—

(1) Baksh, Mr. Kader.
(2) Dutta, Mr. Kamini Kumar.
(3) Esmail, Khwaja Muhammad.
(4) Karim, Khan Bahadur M. Abdul.
(5) Khan, Khan Bahadur Muhammad Asaf.
(6) McFarlane, Mr. J.
(7) Mookerji, Dr. Radha Kumud.
(8) Mukherji, Rai Bahadur Satis Chandra.
(9) Ormond, Mr. E. C.
(10) Rahman, Mr. Mukhlesur.
(11) Roy, Rai Bahadur Radhica Bhusan.
(12) Roy Chowdhury, Mr. Krishna Chandra.
(13) Sen, Rai Sahib Jatindra Mohan.

APPENDIX.

English translations of the following vernacular speeches rendered by the Translator to the Government of Bengal, have been incorporated in the Debates.

I.—Adjournment motion on the formation of certain Committees.

(Speech delivered on 10th August, 1938, see page 109.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM:

মাননীয় সভাপতি মহাশয়, আমি বাংলায় দুটো কথা বলবো। আমরা শুনতে পাচ্ছি যে, কংগ্রেস মেম্বর কমিটিতে বড় কম নেওয়া হয়েছে। কিন্তু আমি বিশ্বাস করি যদি এই কাউন্সিল থেকে একজন কংগ্রেস মেম্বরও নেওয়া হয়ে থাকে তাহলে যথেষ্ট নেওয়া হয়েছে। এ House এ যত মেম্বর আছেন তার ভিতর ক'জন কংগ্রেস মেম্বর আছেন? এখান থেকে যদি না নেওয়া হয়ে থাকে তাহলে Assembly থেকে যথেষ্ট নেওয়া হয়েছে। সুতরাং এ অভিযোগটা অমূলক। তারপর আর একটা কথা হয়েছে। অনাস্থা প্রস্তাব আসবে, সেইজন্য আমাদের Ministerদের বাধ্য করার জন্য এই সব-কমিটি করা হয়েছে। যার মনের ভাব যে রকম, ঠিক সেই রকম কথাই সে বোলে থাকে। আমি বিশ্বাস করি, এই রকম একটা প্রলোভন কোন মেম্বরকে দিলে সে মন্ত্রীদের পক্ষে ভোট দিবে—এটা মেম্বরদের পক্ষে অত্যন্ত অপমানজনক অভিযোগ। আমার মতে এই প্রস্তাব এখনই উঠিয়ে নেওয়া উচিত। এমন মেম্বর কে আছে যে প্রলোভনের দ্বারা মন্ত্রীদের বাধ্য হবে? তারপর উভয় House হোতে যে সমান সংখ্যক নেওয়া হয় নাই সেই সম্বন্ধে আমার বক্তব্য এই যে Council থেকে আরো কয়জন নিলে ভালো হতো। কিন্তু তারা ২৫০ জন আর আমরা ৬৩ জনমাত্র। ২৫০ জনের পক্ষথেকে যদি অতটা নেওয়া হয়ে থাকে তাহলে ৬৩ জনের পক্ষ থেকে এই ক'টা নিলে কি অন্যায় হয়েছে?

A member: আপনাকে যখন নেওয়া হয়েছে তখন ঠিক সংখ্যাই নেওয়া হয়েছে, কারণ আপনি একাই একশ।

II.—Resolution on the assessment of Bogra Municipality.

(Speech delivered on 11th August, 1938, see page 139.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM:

মাননীয় প্রেসিডেন্ট মহাশয়, আমি ইংরেজী জানিনা। সুতরাং এই resolution যদি ইংরেজিতে পোড়তে হয় তাহলে আমার বন্ধু খান সাহেব আব্দুল হামিদ চৌধুরী সাহেব সেটা পোড়বেন, তার পরে আমার যা বলবার আছে বোলবো।

(Khan Sahib Abdul Hamid Chowdhury then read the resolution in English.)

আমার বলবার বিষয় হচ্ছে, বর্ত্তমান য়্যাসেসমেণ্ট অর্থাৎ ১৯৩৮ সালে যে য়্যাসেসমেণ্ট হয়েছে তাহা মিউনিসিপ্যাল আইনের ১৪৫ ধারার ২য় প্রকরণ অনুসারে একজন স্থানীয় অবস্থা সম্বন্ধে অভিজ্ঞ লোকের দ্বারা করাতে হবে। কিন্তু বগুড়া মিউনিসিপ্যালিটিতে যে য়্যাসেসমেণ্ট করা

হয়েছে সেটা ভিন্ন জায়গা থেকে একটী লোককে এনে করানো হয়েছে। তাঁর বগুড়া মিউনিসিপ্যালিটি সম্বন্ধে কোন জ্ঞান ছিল না। বগুড়া সম্বন্ধে অভিজ্ঞ একজন লোককে আনিয়ে য়্যাসেসমেণ্ট না করানোর দরুণ তিনি এই য়্যাসেসমেণ্ট কোরতে অনেক রকম অন্যায় এবং ভুলত্রুটি কোরেছেন। ১৯৩২ সালের বঙ্গীয় মিউনিসিপ্যাল আইনের ১২৩-ডি ধারা অনুসারে হোল্ডিংএর বার্ষিক মূল্যের উপর কনজারভেন্সী রেট স্থাপন করা যেতে পারে। ঐ আইনের ১২৮এর ১ম প্রকরণে আছে যে, হোল্ডিং বার্ষিক যত টাকায় ভাড়া দেওয়া যাবে তাই হবে ঐ হোল্ডিংএর বার্ষিক মূল্য। আবার ঐ ১২৮এর ২য় প্রকরণে আছে যে, ঘর-বাড়ীর মূল্য ও তলস্থ জমির যত টাকা ভাড়া তাহাই হবে বার্ষিক মূল্য, অতএব বোঝা যাচ্ছে যে, যে জমির উপর বিল্ডিং বা ঘর-বাড়ী আছে সেই ঘর-বাড়ী ও জমির মূল্যের উপর ট্যাক্স ধার্য্য হবে। কিন্তু যে জমির উপর কোন ঘর-বাড়ী নাই, যা হচ্ছে পতিত জমি বা চাসী জমি তার উপর একটা হাউস রেণ্ট মাত্র ধার্য্য হবে। কনজারভেন্সি ধার্য্য হতে পারে না। তাছাড়া ১২৬ ধারার বি প্রকরণে আছে পায়খানা পরিস্কারের বন্দোবস্ত না করিয়া কোন জায়গার উপর কনজারভেন্সি ট্যাক্স স্থাপন করিবে না। কিন্তু সেখানে সেসব বন্দোবস্ত না করেই ট্যাক্স ধার্য্য করা হয়েছে। উল্লিখিত আইনের ১২৭ ধারায় আছে যেস্থানে কনজারভেন্সি নাই হোল্ডিংএর মালিককে পূর্ব্বে লিখিত নোটিশ দিয়া ঐ স্থানে কত লোক বাস করে বা যাতায়াত করে ইহা নিশ্চতরূপে জানিতে হইবে, নৈলে সেখানে ল্যাট্রিন ট্যাক্স হবে না। কিন্তু বগুড়া মিউনিসিপ্যালিটির ১৯৩৮ সনের য়্যাসেসমেণ্টএ ঐরূপ পতিত জমি বা আবাদি জমির উপর কিম্বা যেখানে ল্যাট্রিন নাই সেই স্থানেও উক্ত ১২৭ ধারার বিধান অমান্য করিয়া কনজারভেন্সি ট্যাক্স স্থাপন করা হয়েছে। ১৯২০ সাল থেকে ১৯২৬ সাল পর্য্যন্ত বগুড়া মিউনিসিপ্যালিটির সঙ্গে একটা দেওয়ানি মোকদ্দমা চলার পর আপোস হয়। সেই আপোস অনুসারে ১৯২৮ সনে পক্ষদের মধ্যে যে চুক্তি হয়—ঐ চুক্তি ভঙ্গ কোরে সেই জমিতে পুনরায় কনজারভেন্সি ট্যাক্স স্থাপন করা হয়েছে। ১৯৩৩ সালের য়্যাসেসমেণ্টও ঐ স্থানে কোন ট্যাক্স ধার্য্য হয় নাই। বগুড়া মিউনিসিপ্যালিটির যুক্তি এই যে, ল্যাট্রিন ট্যাক্স ধার্য্য হোতে পারবে না কিন্তু কনজারভেন্সি ট্যাক্স হোতে পারবে। এই জন্যই কনজারভেন্সি ট্যাক্স ধার্য্য হয়েছে। কার্য্য যে অসঙ্গত ও বেআইনী তা বলাই বাহুল্য। এখন দেখা যাক কনজারভেন্সি মানে কি? তার মানে সিউএজ নর্দ্দামার মল ও আবর্জ্জনা প্রভৃতি। আর সিউএজ মানে মানুষের মল (পায়খানার) প্রস্রাব বা অন্যান্য খারাপ জিনিষ, অর্থাৎ পায়খানা থেকে আরো কতকগুলি ব্যাপার নিয়ে সিউয়েজ শব্দটা ব্যবহৃত হয়েছে। আইনের ব্যাখায় যদি ভুল ভ্রান্তি এক্ষেত্রে হয়ে থাকে তবে আইনের সংশোধন সত্বরেই হওয়া উচিত। এরূপও হয়েছে যে, গরীবের উপর প্রয়োজন অতিরিক্ত ট্যাক্স ধার্য্য হয়েছে। মিউনিসিপ্যালিটির রাস্তার ধারে মিউনিসিপ্যালিটির নিকটে ৩।৪ হাত স্থান পত্তন করে যে ব্যক্তি পানের দোকান কোরেছে ১২৭ ধারার বিধান অমান্য কোরে এই নূতন য়্যাসেসমেণ্ট তার উপর ধার্য্য করা হয়েছে। স্থানীয় অবস্থা সম্বন্ধে অনভিজ্ঞ, ভিন্ন স্থানের লোক দ্বারা য়্যাসেসমেণ্ট করার ফলেই এই বিভ্রাট ঘটেছে। অতএব এই সব ভুল ভ্রান্তি সংশোধনের জন্য ডিষ্ট্রিক্ট ম্যাজিষ্ট্রেটের দ্বারা একটা ইনকোয়ারী হোক, এবং ঐ ধারাগুলির প্রকৃত ব্যাখ্যা কি তাহার ঠিক হউক ও প্রকৃত ব্যাপারের অনুসন্ধান হোয়ে লোকের দুরবস্থার প্রতিকার হোক, এই আমার বক্তব্য।

III.—Resolution on the assessment of the Bogra Municipality.

(Speech delivered on 11th August, 1938, see page 141.)

The Hon'ble Mr. H. S. SUHRAWARDY: সভাপতি মহাশয়, খাঁন বাহাদুর সাহেব এখানে যা কিছু বোলেছেন তিনি যদি এসে তা আমাকে বুঝিয়ে দিতেন তাহলে আমার

[illegible] সেটা শুনে নিশ্চয় আমি একটা কিছু ব্যবস্থা কোরতাম। আর এত যে উনি বোলেছেন তার সম্বন্ধে আমি কিছুই জানতাম না। Lawএর দিক দিয়ে যদি দেখা যায় তাহলে দেখা যাবে যে Government এর এখানে interfere করবার কোন ক্ষমতা নাই। খাঁন বাহাদুর যদি ভালো কোরে দেখেন তাহলে দেখতে পাবেন—Municipal Actএর section 123 (d) অনুসারে Conservancy rate পায়খানা ছাড়া অন্য জিনিষের জন্য করা যায়। "A conservancy, latrine and drainage rate hereinafter known as the conservancy rate, on the annual value of holdings." অর্থাৎ যেখানে পায়খানা নাই সেখানে কনজারভেন্সি rate ধার্য্য করা যায়। খাঁন বাহাদুর 127 section সম্বন্ধে যা বোলেছেন তিনি যদি ওটী ভালো কোরে দেখেন তাহলে জানতে পারবেন যে ওতে লেখা আছে "The Commissioners may," (and not that the Commissioners shall) "for the purposes of Conservancy, or for the levy of Conservancy rate, by a notice in writing require the owner or occupier of any holding to furnish, within a time to be specified in the notice, a true and correct list of the number of persons living within, or habitually resorting to, such holding." সুতরাং ওতে Commissionerরা বাধ্য নয়। তার পর under section 126. 1—c তে আছে "That the rate shall not be levied at more than seven per centum on the annual value of any holding." যেখানে annual valueর কথা হচ্চে সেখানে জিজ্ঞাসা করার কোন দরকার নাই। 127 section এ যা আছে সেটাও refer করে section 126 (2) অনুযায়ী workshop, factory, school, hospital, market প্রভৃতির বিষয় জিজ্ঞাসা করা যায় যে, কত লোক সেখানে থাকে and not for ordinary holdings.

এখন খাঁন বাহাদুরের কি grievance আছে আমি সে সম্বন্ধে জানিনা, জানতামও না। আর Municipal Actএর মধ্যেও কিছু নাই। তবে খাঁন বাহাদুর সাহেবের যা grievance আছে যদি তিনি লিখে আমাকে পাঠিয়ে দেন তাহলে আমি ওঁকে promise কোরতে পারি—যে যদি দরকার হয় আমি একটা enquiry করবো। এবং enquiry কোরে দেখবো যে Government interfere কোরতে পারে কি না। যদি পারে তাহলে Commissioner যাঁরা সেখানকার আছেন তাঁদের জিজ্ঞাসা কোরে দেখবো—যে, তাঁরা এবং Chairman সাহেব interfere কোরে খাঁন বাহাদুর সাহেবের grievance দূর কোরতে পারেন কি না। এবং যে result হবে তা ওঁকে জানানো যাবে।

IV.—Resolution on special allotment for Moslem education.

(Speech delivered on 11th August, 1938, see page 148.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: সভাপতি মহাশয়, আমি fact এবং figure সম্বন্ধে কিছু বোলতে পারবো না। সে বিষয়ে প্রস্তাবক এবং আমার বন্ধু খাঁন বাহাদুর বলেছেন। আমার বক্তব্য এই যে,, যেমন পাখীর দুটো পাখা আছে, একটা পাখা যদি ভেঙ্গে যায় তাহলে পাখী উড়তে পারে না। আমাদের এই দেশকে পাখীরূপে কল্পনা কোরলে —তাহার এক পাখা হচ্চে হিন্দু, আর এক পাখা মুসলমান। আজকে শিক্ষার অভাবে মুসলমান পাখাখানা একেবারে ভাঙ্গা। একমাত্র শিক্ষা দ্বারাই সে ভাঙ্গা পাখার উন্নতি হতে পারে। হিন্দু সমাজ যে আজ এত উন্নত তার প্রধান কারণ হলো শিক্ষা। মুসলমান সমাজের পাখা ভেঙ্গে

চুকেছে, যদি মুসলমান সমাজ হিন্দুদের মতন শিক্ষিত হতো, তাহলে কংগ্রেসকে কখনো এত বুঝা পারা করতে হতো না। বহু লোক মুসলমানদের মধ্য থেকে কংগ্রেসে যোগ দিতো। সুতরাং মুসলমানদের শিক্ষার জন্য যদি কিছু বেশী টাকা ব্যয় হয় সে সম্বন্ধে কি হিন্দু, কি মুসলমান, কি কংগ্রেস, কি কোয়ালিশন পার্টি কারোই দ্বিমত না থাকা উচিত। হিন্দু মুসলমান সবাই আমরা বাঙ্গালী জাতি, এই জাতির উন্নতি কোরতে হ'লে শিক্ষা দ্বারাই কোরতে হবে। আজ মুসলমান জাতি শিক্ষা সম্বন্ধে অত্যন্ত পশ্চাৎপদ হয়ে আছে, সুতরাং তাদের উন্নতি কোরতে হলে শিক্ষা বিস্তারের অত্যন্ত প্রয়োজন আছে। বিশেষ কোরে নারী জাতির উন্নতি ভিন্ন কোন জাতিরই উন্নতি হতে পারে না। হিন্দু সমাজ যে উন্নতি লাভ কোরেছে সে উন্নতির একমাত্র কারণ তাদের মাতৃজাতির উন্নতি। মুসলমান সমাজে স্ত্রী-শিক্ষার বিস্তার কিছুমাত্র হয় নাই। সেইজন্য তাদের স্ত্রী-শিক্ষা বিস্তারের জন্য একটা বিশেষ ব্যবস্থা হওয়া উচিত।

এখন কথা হচ্ছে, মুসলমানদের education মানে যদি আর্বি, পার্শি শিক্ষা হয় তাহলে আমি তার সমর্থক নই।

শিক্ষা দ্বারা আমরা প্রতিবেশী অন্য জাতি বা রাজার জাতির সঙ্গে প্রতিযোগীতা কোরতে পারি। হুমায়ুন কবির মহোদয়ও বোধহয় সেই কথাই বোলেছেন। এ বিষয়ে আমি তাঁর সঙ্গে একমত। শুধু আর্বি, ফার্সী শিক্ষা দ্বারা মুসলমান সমাজের উন্নতি হবে তা আমি বিশ্বাস করি না। আমি আশ্চর্য্য হয়েছি যে, বর্ত্তমান বর্ষের বাজেটে যে কয়েক লক্ষ টাকা ধরা হয়েছে তার একটা কানা কড়িও ইংরেজী শিক্ষার জন্য দেওয়া হয় নাই। পক্ষান্তরে মুসলমানদের আর্বি আদি শিক্ষার জন্য নাকি টাকা দেওয়া হয়েছে। সেই জন্য প্রস্তাবক মহাশয়ের প্রস্তাবের fact and figure সম্বন্ধে কিছু বোলতে চাই না। আমি তাঁর প্রস্তাব সমর্থন করি।

V.—Privilege motion claiming equal representation of the Council and the Assembly on the different public bodies.

(Speech delivered on 15th August, 1938, see page 213.)

Maulana MUHAMMAD AKRAM KHAN: প্রেসিডেন্ট মহাশয়, আলোচ্য বিষয়ে আইনের খুঁটিনাটি নিয়ে অনেক তর্কবিতর্ক হয়েছে, তার মর্ম্ম উপলব্ধি কোরতে আমি অক্ষম। কিন্তু একটা দিক আমি বিবেচনা কোরে দেখতে বোলছি, এবং সে দিকটা হচ্ছে ইংরেজীতে যাকে বলে যে একটা question এর practical view নেওয়া; এখানে আমাদের প্রস্তাবে বলা হয়েছে যে যদি কখনো pomination এর দরকার হয়, অর্থাৎ nomination এর দ্বারা কোন কমিটির মেম্বর নেওয়া হয় তাহলে যদি ১০ জন Assembly থেকে নেওয়া হয় তাহলে Council থেকেও ১০ জন নিতে হবে। আমি মনে করি, এই গণতন্ত্রের দিনে আপার হাউসের বিষয় যদি একটু বিশেষভাবে বিচার করা যায় তাহলে তার সম্বন্ধে আর কিছু বিবেচনার আগে ভাবতে হবে যে তার মোট ৬৩ জন মেম্বর এবং সংখ্যানুপাতেই তার প্রতিনিধি নিতে হবে। Assembly তে ২৫০ জন মেম্বর আছেন, সেখানকার অর্দ্ধ এখানকার সমানসংখ্যক প্রতিনিধি থাকবে এটা কোন বিচার বা যুক্তিসহ নয়; এবং যদি এই জিনিষটা Assembly তে উপস্থিত করা হয় তাহলে সেখানে এর কি অর্থ নেওয়া হবে সেটা আমরা বিশেষ কোন যুক্তি তর্কের সাহায্য ছাড়াও বুঝতে পারি। সুতরাং যে জিনিষটার পরিণাম আমরা সহজেই বুঝতে পারছি, এবং যেটা গণতন্ত্রেরও সম্পূর্ণ বিপরীত সেটা পরিত্যাগ করাই আমাদের পক্ষে সমীচীন।

VI.—*Motion under section 118 of the Rules and Standing Orders regarding conferment of titles.*

(Speech delivered on 17th August, 1938, see page 299 .)

Maulana MUHAMMAD AKRAM KHAN: সভাপতি মহাশয়, আমার বক্তৃতা করবার ইচ্ছা ছিলো না। আমার বন্ধু ললিত বাবুর বক্তৃতা শোনবার পর আমার একটু আগ্রহ হয়েছে কিছু বলবার জন্য। আমরা সাধারণতঃ শুনতে পাই, বিশেষতঃ আমাদের বন্ধুদের মুখে,—যাদের সঙ্গে আমার কিছুকাল কাজ করবার সৌভাগ্য ঘটেছিলো, তাঁদের মুখে অনেকবার শুনতে পাই "স্বদেশী" আর "বিদেশী" এই দুটো কথা। তাঁরা যাকিছু বিদেশী সেটা আদর্শ হিসাবে বর্জ্জন কোরতে চান, আর তাঁরা এবং আমরাও স্বদেশী অর্জ্জন কোরতে চাই। এই স্বদেশী অর্জ্জন ও বিদেশী বর্জ্জন বড় কথা। ললিত বাবুর মুখে আমেরিকা, ক্যানাডা প্রভৃতি বহু বহু দেশের নাম শুনলাম, কিন্তু ভারতের কি রীতি নীতি, বিধিব্যবস্থা আবহমান কাল হ'তে চলে আসছে সেটার সম্বন্ধে ললিত বাবু কিছু বলেন নাই দেখে বড়ই দুঃখিত হয়েছি।

A member : সে সম্বন্ধে আপনি বলেন।

Maulana MUHAMMAD AKRAM KHAN: আমি যখন উঠেছি তখন অবশ্যই কিছু বলবো। আমার বক্তব্য এই যে কোন একটা জিনিষ অপব্যবহারের দ্বারা মন্দ হয়, আবার সদ্ব্যবহারের দ্বারা সেই জিনিষটাই ভালো হয়। যেমন আমরা যদি দান করি, তাহলে সাত্ত্বিকভাবে দান কোরলে, সেটা হয় আমাদের পক্ষে মঙ্গলজনক; আর লোকের কাছ থেকে যশ অর্জ্জন করবার জন্য যদি দান করা হয় তাহলে সে দান আমাদের পক্ষে অন্যায় হয়। সেই জন্য আমার বক্তব্য এই যে উপাধি জিনিষটা ভালো কি মন্দ সেটা ব্যবহারের দ্বারাই নির্ণয় কোরতে হবে। যদি কোন মন্দ জিনিষ এই উপাধির ভিতর থাকে তা হলে অবশ্যই সেটা মন্দ; নৈলে on principle title যদি acceptable জিনিষ হয় তাহলে কোন্ অবস্থায় সেটা গ্রহণীয় আর কোন্ অবস্থায় বর্জ্জনীয় সেই বিচার কোরতে হবে। উপস্থিত যারা ভারতে বাস করেন তাঁর মধ্যে মহাত্মা গান্ধির নাম শোনেন নাই এরকম হতভাগ্য লোক বোধ করি ভারতবর্ষে একজনও নাই।

Mr. RANJIT PAL CHOUDHURY : কিন্তু সে উপাধি কে দিয়েছে?

Maulana MUHAMMAD AKRAM KHAN : তারপরে আমরা শুনতে পাই লোকমান্য তিলকের কথা। দেশবন্ধুর নাম বাংলার ঘরে ঘরে আজও লোকে সমান শ্রদ্ধার সঙ্গে স্মরণ কোরে থাকে। তারপর আমাদের বন্ধু দেশপ্রিয়ের কথা আজও আমরা বিস্মৃত হোতে পারি নাই। তারপর আমরা শুনতে পাই দেশপ্রাণ বোলে একটী উপাধি সৃষ্টির চেষ্টা চোলছে, বোধ হয় কার্মিনী বন্ধু তা কিছু কিছু জানেন। তারপরে আমার বন্ধুরা বলেন নবাব বাহাদুর of তালতলা এবং মহারাজ বাহাদুর of বেলতলা। যদিও তাঁদের Estate বোলতে কিছু নেই তবু তাঁদের নবাব বা রাজা বলা হয়।

Dr. RADHA KUMUD MOOKERJI : সোলতানের নাম আগে শুরেন্দ্রনাথ ছিল?

Maulana MUHAMMAD AKRAM KHAN: তারপরে আমাদের অধ্যাপক সহোদয় এখানে উপস্থিত আছেন তাঁকে আমরা Dr. বলি। আমরা উপাধিবান। আমার ১৪ পুরুষের মধ্যে কেউ পাঠান ছিলো ইতিহাস সেকথা বলে না, কিন্তু বাদশা আমাদের খাঁ উপাধি

ছিলেন সেই উপাধি রয়ে গেছে। এই House এর Leader খাজা নাজিমুদ্দিন সরকার মহাশয়ের "সরকার" উপাধি বোধ হয় মোঘল রাজা কি বাদশার দেওয়া। আমার মনে হয় Progressive party র নেতা এখানে বসে আছেন, অন্যান্য বন্ধুরাও আছেন। তাঁদের নামের পশ্চাতে চৌধুরী শব্দ আছে। তারপর আপনারা দেখতে পাবেন বাংলাদেশের ব্রাহ্মণদের পূর্বে উপাধি ছিলো। অন্ততঃ আমি একটী ব্রাহ্মণ পরিবার সম্বন্ধে জানি যাদের পূর্বে উপাধি ছিল ওঝা; কিন্তু এখন তাদের ভট্ট চট্ট প্রভৃতি নানা রকমের উপাধি দেখতে পাই। তাহলেই কথা হলো উপাধি জিনিষটা স্বতঃসিদ্ধভাবে মন্দ নয়, তবু আমার বন্ধুদের মতে উপাধি মন্দ হবার কারণ কি? তাঁদের মত আমি যতটা বুঝতে পেরেছি তাতে তাঁদের এই মতের পরিপোষক কোন যুক্তি আমি পাই নাই। এই উপাধি যদিও আমাদের দেশের গভর্ণমেণ্ট সুপারিশ কোরে দেন তবু তা প্রদান করেন যিনি তিনি বিদেশী রাজা, সুতরাং বিদেশী রাজা দ্বারা যখন ও জিনিষটার বিতরণ হয় তখন সেটা ভালো জিনিষ হতে পারে না—এই যদি আমার বন্ধুদের যুক্তি হয় তাহলে আমি তাঁদের স্মরণ করিয়ে দিতে চাই যে আমাদের কংগ্রেস যেখানে যেখানে মন্ত্রীমণ্ডলী গঠন কোরছেন সেখানে যখন মন্ত্রীরা বিদেশী রাজার আনুগত্য করবার জন্য শপথ কোরেছেন, তখন এখানে আমাদের এই সব বাস্তবিক বা বাচনিক আড়ম্বর অনর্থক বলেই আমি মনে করি।

VII.—Question about travelling expenses for going to Jalpaiguri for attending a Conference to discuss the flood situation.

(Speech delivered on 19th August 1938, see page 316.)

Khan Bahadur Maulvi MOHAMMAD IBRAHIM: সভাপতি মহাশয়, ব্যয় কমানো সম্বন্ধে অনেক আলোচনা হয়েছে। আমি সে বিষয়ে কিছু বলতে চাই না।

আমি শুধু একটা প্রশ্ন করতে চাই। আমি এখনই শুনতে পেলাম যে বণ্যা সম্পর্কে আলোচনা করার জন্য জলপাইগুড়িতে একটা সভা হ'বে এবং Assembly'র বহু সভ্য সেখানে আমন্ত্রিত হয়েছেন। জলপাইগুড়িতে সেই সভায় যোগদান করতে গেলে তার ব্যয় কে বহন করবে? Government কি যাতায়াতের খরচ দেবে? Assembly'র মতো Council এর কোন কোন সভ্যও কি সেখানে নিমন্ত্রিত হয়েছেন? এখন সকল member ই কলকাতায় আছেন। এই অবস্থায় জলপাইগুড়িতে সভা আহ্বানের কি সার্থকতা থাকতে পারে বুঝতে পারি না।

VIII.—Question about travelling expenses for attending a Conference at Jalpaiguri to discuss the flood situation.

(Speech delivered on 19th August 1938, see page 347.)

The Hon'ble Mr. NALINI RANJAN SARKER: জলপাইগুড়িতে সভা ডাকা হয়েছে কিনা, আমি জানি না। যদি সভা সেখানে হয়, তবু যাঁরা সেখানে নিমন্ত্রিত হয়ে যাবেন তাঁদের যাতায়াতের ব্যয় কে বহন করবে আমি এখনও তা বলতে পারি না। Government এর পক্ষ থেকে আমি শুধু এটুকু বলতে পারি যে নিমন্ত্রিত সভ্যেরা যদি সভাস্থানে না যান তবে যাতায়াতের খরচ দাবি করলেও তা দেওয়া হবে না।

IX.—Resolution for providing relief to the poor and the unemployed in Bengal.

(*Speech delivered on 22nd August, 1938, see page 376 .*)

Maulana MUHAMMAD AKRAM KHAN: সভাপতি মহাশয়, আমি দুটো কথা এখানে বোলতে চাই। আইনের যে তর্ক উপস্থিত হয়েছে সে সম্বন্ধে খান বাহাদুর সাহেব তাঁর বক্তৃতায় পরিষ্কার ভাবে বোলেছেন যে গভর্ণমেণ্টের উপরে অর্থ সম্বন্ধে কোন দায়িত্ব থাকবে না। একথা পরিষ্কার ভাবে বলার পরে আর financial aspect সম্বন্ধে বেশী আলোচনা করবার দরকার ছিলো না। আমি মনে করি House এর যা মত এবং খান বাহাদুর সাহেবেরও নাকি যা মত তাতে সে সম্বন্ধে House এর পক্ষ থেকে একটা express direction দেওয়া হোক। খান বাহাদুর সাহেব যে রকম প্রতিশ্রুতি দিয়েছেন সেই প্রতিশ্রুতি অনুসারে সিলেক্ট কমিটি এমন ভাবে সেটা পরিবর্ত্তন কোরবেন যাতে গভর্ণমেণ্টের প্রতি কোন financial liability থাকবে না।

আমার দ্বিতীয় কথা, আলোচনা প্রসঙ্গে charity কে organised করবার প্রস্তাব হোয়েছে। আমি সে সম্বন্ধে আমার নিজের আপত্তি জানাতে চাই। ইসলামের কতকগুলি বিধান আছে যাতে মুসলমানকে বাধ্যতামূলক ভাবে দান খয়রাৎ কোরতে হয়। কিন্তু আমি মুসলমান সমাজের একজন নগন্য প্রতিনিধি হিসাবে একথা এখানে জানিয়ে যাচ্ছি যে মুসলমান সমাজ কখনো স্বীকার কোরবেনা যে একটা আইনের দ্বারা সেই charity নিয়ন্ত্রিত হবে। আমাদের ধর্ম্মসংক্রান্ত charity কিম্বা কোথায় আমরা দান কোরবো না কোরবো—তার ব্যবস্থা গভর্ণমেণ্ট কোরে দেবেন, on principle আমি এটার আপত্তি করি।

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—asks the Hon'ble Finance Minister whether the item of Rural Reconstruction has been withdrawn from the Supplementary Budget. Page 287.

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Observations by—that an amendment which sought to make a radical change in a resolution could not be permitted, but an amendment which was a mere verbal one or caused a slight change only to the main resolution was permissible. Page 146.

Observations by—that although admission of an adjournment motion ultimately rested with him, yet he always wanted to take the House with him in that matter. Page 61.

Observations by—in connection with a Privilege Committee motion regarding equal representation on both Houses on public bodies, that it was an accepted parliamentary practice that in the case of all joint sittings the Houses were equally represented, that that was the practice in the Central Legislature, and that the legislature in Bengal had no definite privileges except those that were enjoyed by the members of the old legislature until the new Chambers themselves enacted legislation defining the privileges thereof. Page 217.

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